

107TH CONGRESS  
1ST SESSION

# H. R. 3338

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2001

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1        DIVISION A—DEPARTMENT OF DEFENSE  
2                        APPROPRIATIONS, 2002

3        The following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2002, for military func-  
6 tions administered by the Department of Defense, and for  
7 other purposes, namely:

8                                TITLE I

9                                MILITARY PERSONNEL

10                               MILITARY PERSONNEL, ARMY

11        For pay, allowances, individual clothing, subsistence,  
12 interest on deposits, gratuities, permanent change of sta-  
13 tion travel (including all expenses thereof for organiza-  
14 tional movements), and expenses of temporary duty travel  
15 between permanent duty stations, for members of the  
16 Army on active duty (except members of reserve compo-  
17 nents provided for elsewhere), cadets, and aviation cadets;  
18 and for payments pursuant to section 156 of Public Law  
19 97–377, as amended (42 U.S.C. 402 note), and to the De-  
20 partment of Defense Military Retirement Fund,  
21 \$23,336,884,000.

22                               MILITARY PERSONNEL, NAVY

23        For pay, allowances, individual clothing, subsistence,  
24 interest on deposits, gratuities, permanent change of sta-  
25 tion travel (including all expenses thereof for organiza-

1 tional movements), and expenses of temporary duty travel  
2 between permanent duty stations, for members of the  
3 Navy on active duty (except members of the Reserve pro-  
4 vided for elsewhere), midshipmen, and aviation cadets; and  
5 for payments pursuant to section 156 of Public Law 97-  
6 377, as amended (42 U.S.C. 402 note), and to the Depart-  
7 ment of Defense Military Retirement Fund,  
8 \$19,574,184,000.

9           MILITARY PERSONNEL, MARINE CORPS

10       For pay, allowances, individual clothing, subsistence,  
11 interest on deposits, gratuities, permanent change of sta-  
12 tion travel (including all expenses thereof for organiza-  
13 tional movements), and expenses of temporary duty travel  
14 between permanent duty stations, for members of the Ma-  
15 rine Corps on active duty (except members of the Reserve  
16 provided for elsewhere); and for payments pursuant to sec-  
17 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
18 402 note), and to the Department of Defense Military Re-  
19 tirement Fund, \$7,343,640,000.

20           MILITARY PERSONNEL, AIR FORCE

21       For pay, allowances, individual clothing, subsistence,  
22 interest on deposits, gratuities, permanent change of sta-  
23 tion travel (including all expenses thereof for organiza-  
24 tional movements), and expenses of temporary duty travel  
25 between permanent duty stations, for members of the Air

1 Force on active duty (except members of reserve compo-  
2 nents provided for elsewhere), cadets, and aviation cadets;  
3 and for payments pursuant to section 156 of Public Law  
4 97–377, as amended (42 U.S.C. 402 note), and to the De-  
5 partment of Defense Military Retirement Fund,  
6 \$19,784,614,000.

7 RESERVE PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Army Re-  
10 serve on active duty under sections 10211, 10302, and  
11 3038 of title 10, United States Code, or while serving on  
12 active duty under section 12301(d) of title 10, United  
13 States Code, in connection with performing duty specified  
14 in section 12310(a) of title 10, United States Code, or  
15 while undergoing reserve training, or while performing  
16 drills or equivalent duty or other duty, and for members  
17 of the Reserve Officers' Training Corps, and expenses au-  
18 thorized by section 16131 of title 10, United States Code;  
19 and for payments to the Department of Defense Military  
20 Retirement Fund, \$2,629,197,000.

21 RESERVE PERSONNEL, NAVY

22 For pay, allowances, clothing, subsistence, gratuities,  
23 travel, and related expenses for personnel of the Navy Re-  
24 serve on active duty under section 10211 of title 10,  
25 United States Code, or while serving on active duty under

1 section 12301(d) of title 10, United States Code, in con-  
2 nection with performing duty specified in section 12310(a)  
3 of title 10, United States Code, or while undergoing re-  
4 serve training, or while performing drills or equivalent  
5 duty, and for members of the Reserve Officers' Training  
6 Corps, and expenses authorized by section 16131 of title  
7 10, United States Code; and for payments to the Depart-  
8 ment of Defense Military Retirement Fund,  
9 \$1,644,823,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Marine  
13 Corps Reserve on active duty under section 10211 of title  
14 10, United States Code, or while serving on active duty  
15 under section 12301(d) of title 10, United States Code,  
16 in connection with performing duty specified in section  
17 12310(a) of title 10, United States Code, or while under-  
18 going reserve training, or while performing drills or equiv-  
19 alent duty, and for members of the Marine Corps platoon  
20 leaders class, and expenses authorized by section 16131  
21 of title 10, United States Code; and for payments to the  
22 Department of Defense Military Retirement Fund,  
23 \$466,800,000.

1                   RESERVE PERSONNEL, AIR FORCE

2           For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Force  
4 Reserve on active duty under sections 10211, 10305, and  
5 8038 of title 10, United States Code, or while serving on  
6 active duty under section 12301(d) of title 10, United  
7 States Code, in connection with performing duty specified  
8 in section 12310(a) of title 10, United States Code, or  
9 while undergoing reserve training, or while performing  
10 drills or equivalent duty or other duty, and for members  
11 of the Air Reserve Officers' Training Corps, and expenses  
12 authorized by section 16131 of title 10, United States  
13 Code; and for payments to the Department of Defense  
14 Military Retirement Fund, \$1,055,160,000.

15                   NATIONAL GUARD PERSONNEL, ARMY

16           For pay, allowances, clothing, subsistence, gratuities,  
17 travel, and related expenses for personnel of the Army Na-  
18 tional Guard while on duty under section 10211, 10302,  
19 or 12402 of title 10 or section 708 of title 32, United  
20 States Code, or while serving on duty under section  
21 12301(d) of title 10 or section 502(f) of title 32, United  
22 States Code, in connection with performing duty specified  
23 in section 12310(a) of title 10, United States Code, or  
24 while undergoing training, or while performing drills or  
25 equivalent duty or other duty, and expenses authorized by

1 section 16131 of title 10, United States Code; and for pay-  
2 ments to the Department of Defense Military Retirement  
3 Fund, \$4,004,335,000.

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Air Na-  
7 tional Guard on duty under section 10211, 10305, or  
8 12402 of title 10 or section 708 of title 32, United States  
9 Code, or while serving on duty under section 12301(d) of  
10 title 10 or section 502(f) of title 32, United States Code,  
11 in connection with performing duty specified in section  
12 12310(a) of title 10, United States Code, or while under-  
13 going training, or while performing drills or equivalent  
14 duty or other duty, and expenses authorized by section  
15 16131 of title 10, United States Code; and for payments  
16 to the Department of Defense Military Retirement Fund,  
17 \$1,777,654,000.

18 TITLE II

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance of the Army, as author-  
24 ized by law; and not to exceed \$10,794,000 can be used  
25 for emergencies and extraordinary expenses, to be ex-

1    pended on the approval or authority of the Secretary of  
2    the Army, and payments may be made on his certificate  
3    of necessity for confidential military purposes,  
4    \$21,021,944,000: *Provided*, That of the funds made avail-  
5    able under this heading, \$1,000,000, to remain available  
6    until expended, shall be transferred to “National Park  
7    Service—Construction” within 30 days of the enactment  
8    of this Act, only for necessary infrastructure repair im-  
9    provements at Fort Baker, under the management of the  
10   Golden Gate Recreation Area: *Provided further*, That of  
11   the funds appropriated in this paragraph, not less than  
12   \$355,000,000 shall be made available only for conven-  
13   tional ammunition care and maintenance.

14                   OPERATION AND MAINTENANCE, NAVY

15       For expenses, not otherwise provided for, necessary  
16   for the operation and maintenance of the Navy and the  
17   Marine Corps, as authorized by law; and not to exceed  
18   \$6,000,000 can be used for emergencies and extraordinary  
19   expenses, to be expended on the approval or authority of  
20   the Secretary of the Navy, and payments may be made  
21   on his certificate of necessity for confidential military pur-  
22   poses, \$26,628,075,000.



1        OPERATION AND MAINTENANCE, MARINE CORPS

2        For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Marine Corps,  
4 as authorized by law, \$2,939,434,000.

5        OPERATION AND MAINTENANCE, AIR FORCE

6        For expenses, not otherwise provided for, necessary  
7 for the operation and maintenance of the Air Force, as  
8 authorized by law; and not to exceed \$7,998,000 can be  
9 used for emergencies and extraordinary expenses, to be ex-  
10 pended on the approval or authority of the Secretary of  
11 the Air Force, and payments may be made on his certifi-  
12 cate of necessity for confidential military purposes,  
13 \$25,842,968,000: *Provided*, That notwithstanding any  
14 other provision of law, that of the funds available under  
15 this heading, \$750,000 shall only be available to the Sec-  
16 retary of the Air Force for a grant to Florida Memorial  
17 College for the purpose of funding minority aviation train-  
18 ing.

19       OPERATION AND MAINTENANCE, DEFENSE-WIDE

20       For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance of activities and agen-  
22 cies of the Department of Defense (other than the military  
23 departments), as authorized by law, \$12,122,590,000, of  
24 which not to exceed \$25,000,000 may be available for the  
25 CINC initiative fund account; and of which not to exceed

1 \$33,500,000 can be used for emergencies and extraor-  
2 dinary expenses, to be expended on the approval or author-  
3 ity of the Secretary of Defense, and payments may be  
4 made on his certificate of necessity for confidential mili-  
5 tary purposes: *Provided*, That notwithstanding any other  
6 provision of law, of the funds provided in this Act for Civil  
7 Military programs under this heading, \$750,000 shall be  
8 available for a grant for Outdoor Odyssey, Roaring Run,  
9 Pennsylvania, to support the Youth Development and  
10 Leadership program and Department of Defense  
11 STARBASE program: *Provided further*, That of the funds  
12 made available in this paragraph, \$1,500,000 shall be  
13 available only for continuation of the Middle East Re-  
14 gional Security Issues program: *Provided further*, That  
15 none of the funds appropriated or otherwise made avail-  
16 able by this Act may be used to plan or implement the  
17 consolidation of a budget or appropriations liaison office  
18 of the Office of the Secretary of Defense, the office of the  
19 Secretary of a military department, or the service head-  
20 quarters of one of the Armed Forces into a legislative af-  
21 fairs or legislative liaison office.

22 OPERATION AND MAINTENANCE, ARMY RESERVE

23 For expenses, not otherwise provided for, necessary  
24 for the operation and maintenance, including training, or-  
25 ganization, and administration, of the Army Reserve; re-

1 pair of facilities and equipment; hire of passenger motor  
2 vehicles; travel and transportation; care of the dead; re-  
3 cruiting; procurement of services, supplies, and equip-  
4 ment; and communications, \$1,788,546,000.

5 OPERATION AND MAINTENANCE, NAVY RESERVE

6 For expenses, not otherwise provided for, necessary  
7 for the operation and maintenance, including training, or-  
8 ganization, and administration, of the Navy Reserve; re-  
9 pair of facilities and equipment; hire of passenger motor  
10 vehicles; travel and transportation; care of the dead; re-  
11 cruiting; procurement of services, supplies, and equip-  
12 ment; and communications, \$1,003,690,000.

13 OPERATION AND MAINTENANCE, MARINE CORPS

14 RESERVE

15 For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance, including training, or-  
17 ganization, and administration, of the Marine Corps Re-  
18 serve; repair of facilities and equipment; hire of passenger  
19 motor vehicles; travel and transportation; care of the dead;  
20 recruiting; procurement of services, supplies, and equip-  
21 ment; and communications, \$144,023,000.

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For expenses, not otherwise provided for, necessary  
24 for the operation and maintenance, including training, or-  
25 ganization, and administration, of the Air Force Reserve;

1 repair of facilities and equipment; hire of passenger motor  
2 vehicles; travel and transportation; care of the dead; re-  
3 cruiting; procurement of services, supplies, and equip-  
4 ment; and communications, \$2,029,866,000.

5 OPERATION AND MAINTENANCE, ARMY NATIONAL  
6 GUARD

7 For expenses of training, organizing, and admin-  
8 istering the Army National Guard, including medical and  
9 hospital treatment and related expenses in non-Federal  
10 hospitals; maintenance, operation, and repairs to struc-  
11 tures and facilities; hire of passenger motor vehicles; per-  
12 sonnel services in the National Guard Bureau; travel ex-  
13 penses (other than mileage), as authorized by law for  
14 Army personnel on active duty, for Army National Guard  
15 division, regimental, and battalion commanders while in-  
16 specting units in compliance with National Guard Bureau  
17 regulations when specifically authorized by the Chief, Na-  
18 tional Guard Bureau; supplying and equipping the Army  
19 National Guard as authorized by law; and expenses of re-  
20 pair, modification, maintenance, and issue of supplies and  
21 equipment (including aircraft), \$3,723,759,000.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

23 For operation and maintenance of the Air National  
24 Guard, including medical and hospital treatment and re-  
25 lated expenses in non-Federal hospitals; maintenance, op-

1 eration, repair, and other necessary expenses of facilities  
2 for the training and administration of the Air National  
3 Guard, including repair of facilities, maintenance, oper-  
4 ation, and modification of aircraft; transportation of  
5 things, hire of passenger motor vehicles; supplies, mate-  
6 rials, and equipment, as authorized by law for the Air Na-  
7 tional Guard; and expenses incident to the maintenance  
8 and use of supplies, materials, and equipment, including  
9 such as may be furnished from stocks under the control  
10 of agencies of the Department of Defense; travel expenses  
11 (other than mileage) on the same basis as authorized by  
12 law for Air National Guard personnel on active Federal  
13 duty, for Air National Guard commanders while inspecting  
14 units in compliance with National Guard Bureau regula-  
15 tions when specifically authorized by the Chief, National  
16 Guard Bureau, \$3,972,161,000.

17 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND  
18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses directly relating to Overseas Contin-  
20 gency Operations by United States military forces,  
21 \$2,744,226,000, to remain available until expended: *Pro-*  
22 *vided*, That the Secretary of Defense may transfer these  
23 funds only to military personnel accounts; operation and  
24 maintenance accounts within this title; the Defense Health  
25 Program appropriation; procurement accounts; research,

1 development, test and evaluation accounts; and to working  
2 capital funds: *Provided further*, That the funds transferred  
3 shall be merged with and shall be available for the same  
4 purposes and for the same time period, as the appropria-  
5 tion to which transferred: *Provided further*, That upon a  
6 determination that all or part of the funds transferred  
7 from this appropriation are not necessary for the purposes  
8 provided herein, such amounts may be transferred back  
9 to this appropriation: *Provided further*, That the transfer  
10 authority provided in this paragraph is in addition to any  
11 other transfer authority contained elsewhere in this Act.

12 UNITED STATES COURT OF APPEALS FOR THE ARMED  
13 FORCES

14 For salaries and expenses necessary for the United  
15 States Court of Appeals for the Armed Forces,  
16 \$9,096,000, of which not to exceed \$2,500 can be used  
17 for official representation purposes.

18 ENVIRONMENTAL RESTORATION, ARMY  
19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Army, \$389,800,000, to  
21 remain available until transferred: *Provided*, That the Sec-  
22 retary of the Army shall, upon determining that such  
23 funds are required for environmental restoration, reduc-  
24 tion and recycling of hazardous waste, removal of unsafe  
25 buildings and debris of the Department of the Army, or

1 for similar purposes, transfer the funds made available by  
2 this appropriation to other appropriations made available  
3 to the Department of the Army, to be merged with and  
4 to be available for the same purposes and for the same  
5 time period as the appropriations to which transferred:  
6 *Provided further*, That upon a determination that all or  
7 part of the funds transferred from this appropriation are  
8 not necessary for the purposes provided herein, such  
9 amounts may be transferred back to this appropriation.

10 ENVIRONMENTAL RESTORATION, NAVY

11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Navy, \$257,517,000, to  
13 remain available until transferred: *Provided*, That the Sec-  
14 retary of the Navy shall, upon determining that such  
15 funds are required for environmental restoration, reduc-  
16 tion and recycling of hazardous waste, removal of unsafe  
17 buildings and debris of the Department of the Navy, or  
18 for similar purposes, transfer the funds made available by  
19 this appropriation to other appropriations made available  
20 to the Department of the Navy, to be merged with and  
21 to be available for the same purposes and for the same  
22 time period as the appropriations to which transferred:  
23 *Provided further*, That upon a determination that all or  
24 part of the funds transferred from this appropriation are

1 not necessary for the purposes provided herein, such  
2 amounts may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, AIR FORCE  
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Air Force, \$385,437,000,  
6 to remain available until transferred: *Provided*, That the  
7 Secretary of the Air Force shall, upon determining that  
8 such funds are required for environmental restoration, re-  
9 duction and recycling of hazardous waste, removal of un-  
10 safe buildings and debris of the Department of the Air  
11 Force, or for similar purposes, transfer the funds made  
12 available by this appropriation to other appropriations  
13 made available to the Department of the Air Force, to be  
14 merged with and to be available for the same purposes  
15 and for the same time period as the appropriations to  
16 which transferred: *Provided further*, That upon a deter-  
17 mination that all or part of the funds transferred from  
18 this appropriation are not necessary for the purposes pro-  
19 vided herein, such amounts may be transferred back to  
20 this appropriation.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$23,492,000, to re-  
24 main available until transferred: *Provided*, That the Sec-  
25 retary of Defense shall, upon determining that such funds



1 are required for environmental restoration, reduction and  
2 recycling of hazardous waste, removal of unsafe buildings  
3 and debris of the Department of Defense, or for similar  
4 purposes, transfer the funds made available by this appro-  
5 priation to other appropriations made available to the De-  
6 partment of Defense, to be merged with and to be avail-  
7 able for the same purposes and for the same time period  
8 as the appropriations to which transferred: *Provided fur-*  
9 *ther*, That upon a determination that all or part of the  
10 funds transferred from this appropriation are not nec-  
11 essary for the purposes provided herein, such amounts  
12 may be transferred back to this appropriation.

13 ENVIRONMENTAL RESTORATION, FORMERLY USED  
14 DEFENSE SITES  
15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Army, \$190,255,000, to  
17 remain available until transferred: *Provided*, That the Sec-  
18 retary of the Army shall, upon determining that such  
19 funds are required for environmental restoration, reduc-  
20 tion and recycling of hazardous waste, removal of unsafe  
21 buildings and debris at sites formerly used by the Depart-  
22 ment of Defense, transfer the funds made available by this  
23 appropriation to other appropriations made available to  
24 the Department of the Army, to be merged with and to  
25 be available for the same purposes and for the same time

1 period as the appropriations to which transferred: *Pro-*  
 2 *vided further*, That upon a determination that all or part  
 3 of the funds transferred from this appropriation are not  
 4 necessary for the purposes provided herein, such amounts  
 5 may be transferred back to this appropriation.

#### 6 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

7 For expenses relating to the Overseas Humanitarian,  
 8 Disaster, and Civic Aid programs of the Department of  
 9 Defense (consisting of the programs provided under sec-  
 10 tions 401, 402, 404, 2547, and 2551 of title 10, United  
 11 States Code), \$49,700,000, to remain available until Sep-  
 12 tember 30, 2003.

#### 13 SUPPORT FOR INTERNATIONAL SPORTING

#### 14 COMPETITIONS, DEFENSE

15 For logistical and security support for international  
 16 sporting competitions (including pay and non-travel re-  
 17 lated allowances only for members of the Reserve Compo-  
 18 nents of the Armed Forces of the United States called or  
 19 ordered to active duty in connection with providing such  
 20 support), \$15,800,000, to remain available until expended.

### 21 TITLE III

### 22 PROCUREMENT

#### 23 AIRCRAFT PROCUREMENT, ARMY

24 For construction, procurement, production, modifica-  
 25 tion, and modernization of aircraft, equipment, including

1 ordnance, ground handling equipment, spare parts, and  
2 accessories therefor; specialized equipment and training  
3 devices; expansion of public and private plants, including  
4 the land necessary therefor, for the foregoing purposes,  
5 and such lands and interests therein, may be acquired,  
6 and construction prosecuted thereon prior to approval of  
7 title; and procurement and installation of equipment, ap-  
8 pliances, and machine tools in public and private plants;  
9 reserve plant and Government and contractor-owned  
10 equipment layaway; and other expenses necessary for the  
11 foregoing purposes, \$1,974,241,000, to remain available  
12 for obligation until September 30, 2004.

13 MISSILE PROCUREMENT, ARMY

14 For construction, procurement, production, modifica-  
15 tion, and modernization of missiles, equipment, including  
16 ordnance, ground handling equipment, spare parts, and  
17 accessories therefor; specialized equipment and training  
18 devices; expansion of public and private plants, including  
19 the land necessary therefor, for the foregoing purposes,  
20 and such lands and interests therein, may be acquired,  
21 and construction prosecuted thereon prior to approval of  
22 title; and procurement and installation of equipment, ap-  
23 pliances, and machine tools in public and private plants;  
24 reserve plant and Government and contractor-owned  
25 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$1,057,409,000, to remain available  
2 for obligation until September 30, 2004.

3       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
4                               VEHICLES, ARMY

5       For construction, procurement, production, and  
6 modification of weapons and tracked combat vehicles,  
7 equipment, including ordnance, spare parts, and acces-  
8 sories therefor; specialized equipment and training devices;  
9 expansion of public and private plants, including the land  
10 necessary therefor, for the foregoing purposes, and such  
11 lands and interests therein, may be acquired, and con-  
12 struction prosecuted thereon prior to approval of title; and  
13 procurement and installation of equipment, appliances,  
14 and machine tools in public and private plants; reserve  
15 plant and Government and contractor-owned equipment  
16 layaway; and other expenses necessary for the foregoing  
17 purposes, \$2,252,669,000, to remain available for obliga-  
18 tion until September 30, 2004.

19               PROCUREMENT OF AMMUNITION, ARMY

20       For construction, procurement, production, and  
21 modification of ammunition, and accessories therefor; spe-  
22 cialized equipment and training devices; expansion of pub-  
23 lic and private plants, including ammunition facilities au-  
24 thorized by section 2854 of title 10, United States Code,  
25 and the land necessary therefor, for the foregoing pur-

1 poses, and such lands and interests therein, may be ac-  
2 quired, and construction prosecuted thereon prior to ap-  
3 proval of title; and procurement and installation of equip-  
4 ment, appliances, and machine tools in public and private  
5 plants; reserve plant and Government and contractor-  
6 owned equipment layaway; and other expenses necessary  
7 for the foregoing purposes, \$1,211,615,000, to remain  
8 available for obligation until September 30, 2004.

9 OTHER PROCUREMENT, ARMY

10 For construction, procurement, production, and  
11 modification of vehicles, including tactical, support, and  
12 non-tracked combat vehicles; the purchase of not to exceed  
13 29 passenger motor vehicles for replacement only; and the  
14 purchase of 3 vehicles required for physical security of  
15 personnel, notwithstanding price limitations applicable to  
16 passenger vehicles but not to exceed \$200,000 per vehicle;  
17 communications and electronic equipment; other support  
18 equipment; spare parts, ordnance, and accessories there-  
19 for; specialized equipment and training devices; expansion  
20 of public and private plants, including the land necessary  
21 therefor, for the foregoing purposes, and such lands and  
22 interests therein, may be acquired, and construction pros-  
23 ecuted thereon prior to approval of title; and procurement  
24 and installation of equipment, appliances, and machine  
25 tools in public and private plants; reserve plant and Gov-

1 ernment and contractor-owned equipment layaway; and  
2 other expenses necessary for the foregoing purposes,  
3 \$4,103,036,000, to remain available for obligation until  
4 September 30, 2004.

5 AIRCRAFT PROCUREMENT, NAVY

6 For construction, procurement, production, modifica-  
7 tion, and modernization of aircraft, equipment, including  
8 ordnance, spare parts, and accessories therefor; specialized  
9 equipment; expansion of public and private plants, includ-  
10 ing the land necessary therefor, and such lands and inter-  
11 ests therein, may be acquired, and construction prosecuted  
12 thereon prior to approval of title; and procurement and  
13 installation of equipment, appliances, and machine tools  
14 in public and private plants; reserve plant and Govern-  
15 ment and contractor-owned equipment layaway,  
16 \$8,084,543,000, to remain available for obligation until  
17 September 30, 2004.

18 WEAPONS PROCUREMENT, NAVY

19 For construction, procurement, production, modifica-  
20 tion, and modernization of missiles, torpedoes, other weap-  
21 ons, and related support equipment including spare parts,  
22 and accessories therefor; expansion of public and private  
23 plants, including the land necessary therefor, and such  
24 lands and interests therein, may be acquired, and con-  
25 struction prosecuted thereon prior to approval of title; and

6      PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
7                                  CORPS

8 For construction, procurement, production, and  
9 modification of ammunition, and accessories therefor; spe-  
10 cialized equipment and training devices; expansion of pub-  
11 lic and private plants, including ammunition facilities au-  
12 thorized by section 2854 of title 10, United States Code,  
13 and the land necessary therefor, for the foregoing pur-  
14 poses, and such lands and interests therein, may be ac-  
15 quired, and construction prosecuted thereon prior to ap-  
16 proval of title; and procurement and installation of equip-  
17 ment, appliances, and machine tools in public and private  
18 plants; reserve plant and Government and contractor-  
19 owned equipment layaway; and other expenses necessary  
20 for the foregoing purposes, \$492,599,000, to remain avail-  
21 able for obligation until September 30, 2004.

## 22 SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appli-

ances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP),  
 \$138,890,000;  
 SSGN (AP), \$549,440,000;  
 Virginia Class Submarine, \$1,578,914,000;  
 Virginia Class Submarine (AP), \$684,288,000;  
 CVN Refueling Overhauls, \$1,175,124,000;  
 CVN Refueling Overhauls (AP), \$73,707,000;  
 Submarine Refueling Overhauls, \$382,265,000;  
 Submarine Refueling Overhauls (AP),  
 \$77,750,000;  
 DDG-51, \$3,786,036,000;  
 LPD-17 (AP), \$286,330,000;  
 ADC(X), \$370,818,000;  
 Outfitting, \$297,230,000;  
 LCAC SLEP, \$46,091,000;



1           Completion of Prior Year Ship Building Pro-  
2           grams, \$680,000,000;

3           Mine Hunter SWATH, \$2,000,000;

4           Yard Oilers, \$6,000,000;

5 In all: \$10,134,883,000, to remain available for obligation  
6 until September 30, 2006: *Provided*, That additional obli-  
7 gations may be incurred after September 30, 2006, for  
8 engineering services, tests, evaluations, and other such  
9 budgeted work that must be performed in the final stage  
10 of ship construction: *Provided further*, That none of the  
11 funds provided under this heading for the construction or  
12 conversion of any naval vessel to be constructed in ship-  
13 yards in the United States shall be expended in foreign  
14 facilities for the construction of major components of such  
15 vessel: *Provided further*, That none of the funds provided  
16 under this heading shall be used for the construction of  
17 any naval vessel in foreign shipyards.

18           OTHER PROCUREMENT, NAVY

19       For procurement, production, and modernization of  
20 support equipment and materials not otherwise provided  
21 for, Navy ordnance (except ordnance for new aircraft, new  
22 ships, and ships authorized for conversion); the purchase  
23 of not to exceed 35 passenger motor vehicles for replace-  
24 ment only; and the purchase of 2 vehicles required for  
25 physical security of personnel, notwithstanding price limi-

1 tations applicable to passenger vehicles but not to exceed  
2 \$230,000 per vehicle; expansion of public and private  
3 plants, including the land necessary therefor, and such  
4 lands and interests therein, may be acquired, and con-  
5 struction prosecuted thereon prior to approval of title; and  
6 procurement and installation of equipment, appliances,  
7 and machine tools in public and private plants; reserve  
8 plant and Government and contractor-owned equipment  
9 layaway, \$4,290,776,000, to remain available for obliga-  
10 tion until September 30, 2004.

11                   PROCUREMENT, MARINE CORPS

12       For expenses necessary for the procurement, manu-  
13 facture, and modification of missiles, armament, military  
14 equipment, spare parts, and accessories therefor; plant  
15 equipment, appliances, and machine tools, and installation  
16 thereof in public and private plants; reserve plant and  
17 Government and contractor-owned equipment layaway; ve-  
18 hicles for the Marine Corps, including the purchase of not  
19 to exceed 25 passenger motor vehicles for replacement  
20 only; and expansion of public and private plants, including  
21 land necessary therefor, and such lands and interests  
22 therein, may be acquired, and construction prosecuted  
23 thereon prior to approval of title, \$1,028,662,000, to re-  
24 main available for obligation until September 30, 2004.

## 1           AIRCRAFT PROCUREMENT, AIR FORCE

2           For construction, procurement, and modification of  
3 aircraft and equipment, including armor and armament,  
4 specialized ground handling equipment, and training de-  
5 vices, spare parts, and accessories therefor; specialized  
6 equipment; expansion of public and private plants, Gov-  
7 ernment-owned equipment and installation thereof in such  
8 plants, erection of structures, and acquisition of land, for  
9 the foregoing purposes, and such lands and interests  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway; and  
13 other expenses necessary for the foregoing purposes in-  
14 cluding rents and transportation of things,  
15 \$10,549,798,000, to remain available for obligation until  
16 September 30, 2004.

## 17           MISSILE PROCUREMENT, AIR FORCE

18           For construction, procurement, and modification of  
19 missiles, spacecraft, rockets, and related equipment, in-  
20 cluding spare parts and accessories therefor, ground han-  
21 dling equipment, and training devices; expansion of public  
22 and private plants, Government-owned equipment and in-  
23 stallation thereof in such plants, erection of structures,  
24 and acquisition of land, for the foregoing purposes, and  
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;  
2 reserve plant and Government and contractor-owned  
3 equipment layaway; and other expenses necessary for the  
4 foregoing purposes including rents and transportation of  
5 things, \$2,918,118,000, to remain available for obligation  
6 until September 30, 2004.

7           PROCUREMENT OF AMMUNITION, AIR FORCE

8           For construction, procurement, production, and  
9 modification of ammunition, and accessories therefor; spe-  
10 cialized equipment and training devices; expansion of pub-  
11 lic and private plants, including ammunition facilities au-  
12 thorized by section 2854 of title 10, United States Code,  
13 and the land necessary therefor, for the foregoing pur-  
14 poses, and such lands and interests therein, may be ac-  
15 quired, and construction prosecuted thereon prior to ap-  
16 proval of title; and procurement and installation of equip-  
17 ment, appliances, and machine tools in public and private  
18 plants; reserve plant and Government and contractor-  
19 owned equipment layaway; and other expenses necessary  
20 for the foregoing purposes, \$866,844,000, to remain avail-  
21 able for obligation until September 30, 2004.

22           OTHER PROCUREMENT, AIR FORCE

23           For procurement and modification of equipment (in-  
24 cluding ground guidance and electronic control equipment,  
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-  
2 erwise provided for; the purchase of not to exceed 216 pas-  
3 senger motor vehicles for replacement only; and the pur-  
4 chase of 3 vehicles required for physical security of per-  
5 sonnel, notwithstanding price limitations applicable to pas-  
6 senger vehicles but not to exceed \$230,000 per vehicle;  
7 lease of passenger motor vehicles; and expansion of public  
8 and private plants, Government-owned equipment and in-  
9 stallation thereof in such plants, erection of structures,  
10 and acquisition of land, for the foregoing purposes, and  
11 such lands and interests therein, may be acquired, and  
12 construction prosecuted thereon, prior to approval of title;  
13 reserve plant and Government and contractor-owned  
14 equipment layaway, \$7,856,671,000, to remain available  
15 for obligation until September 30, 2004.

16                   PROCUREMENT, DEFENSE-WIDE

17       For expenses of activities and agencies of the Depart-  
18 ment of Defense (other than the military departments)  
19 necessary for procurement, production, and modification  
20 of equipment, supplies, materials, and spare parts there-  
21 for, not otherwise provided for; the purchase of not to ex-  
22 ceed 65 passenger motor vehicles for replacement only; the  
23 purchase of 4 vehicles required for physical security of  
24 personnel, notwithstanding price limitations applicable to  
25 passenger vehicles but not to exceed \$250,000 per vehicle;

1 expansion of public and private plants, equipment, and in-  
2 stallation thereof in such plants, erection of structures,  
3 and acquisition of land for the foregoing purposes, and  
4 such lands and interests therein, may be acquired, and  
5 construction prosecuted thereon prior to approval of title;  
6 reserve plant and Government and contractor-owned  
7 equipment layaway, \$1,387,283,000, to remain available  
8 for obligation until September 30, 2004.

9 DEFENSE PRODUCTION ACT PURCHASES

10 For activities by the Department of Defense pursuant  
11 to sections 108, 301, 302, and 303 of the Defense Produc-  
12 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
13 2093), \$50,000,000, to remain available until expended.

14 NATIONAL GUARD AND RESERVE EQUIPMENT

15 For procurement of aircraft, missiles, tracked combat  
16 vehicles, ammunition, other weapons, and other procure-  
17 ment for the reserve components of the Armed Forces,  
18 \$501,485,000, to remain available for obligation until Sep-  
19 tember 30, 2004: *Provided*, That the Chiefs of the Reserve  
20 and National Guard components shall, not later than 30  
21 days after the enactment of this Act, individually submit  
22 to the congressional defense committees the modernization  
23 priority assessment for their respective Reserve or Na-  
24 tional Guard component: *Provided further*, That of the  
25 funds appropriated under this heading, \$131,176,000

1 shall be available only for the procurement of eight UH-  
2 60 helicopters for the Army Reserve, and \$226,909,000  
3 shall be available only for the procurement of C-130J air-  
4 craft to be used solely for western states firefighting.

#### 5 TITLE IV

#### 6 RESEARCH, DEVELOPMENT, TEST AND 7 EVALUATION

#### 8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, 9 ARMY

10 For expenses necessary for basic and applied sci-  
11 entific research, development, test and evaluation, includ-  
12 ing maintenance, rehabilitation, lease, and operation of fa-  
13 cilities and equipment, \$7,115,438,000, to remain avail-  
14 able for obligation until September 30, 2003.

#### 15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, 16 NAVY

17 For expenses necessary for basic and applied sci-  
18 entific research, development, test and evaluation, includ-  
19 ing maintenance, rehabilitation, lease, and operation of fa-  
20 cilities and equipment, \$10,896,307,000, to remain avail-  
21 able for obligation until September 30, 2003.

#### 22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, 23 AIR FORCE

24 For expenses necessary for basic and applied sci-  
25 entific research, development, test and evaluation, includ-

1 ing maintenance, rehabilitation, lease, and operation of fa-  
2 cilities and equipment, \$14,884,058,000, to remain avail-  
3 able for obligation until September 30, 2003.

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 DEFENSE-WIDE

6 For expenses of activities and agencies of the Depart-  
7 ment of Defense (other than the military departments),  
8 necessary for basic and applied scientific research, devel-  
9 opment, test and evaluation; advanced research projects  
10 as may be designated and determined by the Secretary  
11 of Defense, pursuant to law; maintenance, rehabilitation,  
12 lease, and operation of facilities and equipment,  
13 \$6,949,098,000, to remain available for obligation until  
14 September 30, 2003.

15 OPERATIONAL TEST AND EVALUATION, DEFENSE

16 For expenses, not otherwise provided for, necessary  
17 for the independent activities of the Director, Operational  
18 Test and Evaluation in the direction and supervision of  
19 operational test and evaluation, including initial oper-  
20 ational test and evaluation which is conducted prior to,  
21 and in support of, production decisions; joint operational  
22 testing and evaluation; and administrative expenses in  
23 connection therewith, \$245,355,000, to remain available  
24 for obligation until September 30, 2003.



1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,  
5 \$1,524,986,000: *Provided*, That during fiscal year 2002,  
6 funds in the Defense Working Capital Funds may be used  
7 for the purchase of not to exceed 330 passenger carrying  
8 motor vehicles for replacement only for the Defense Secu-  
9 rity Service.

10 NATIONAL DEFENSE SEALIFT FUND

11 For National Defense Sealift Fund programs,  
12 projects, and activities, and for expenses of the National  
13 Defense Reserve Fleet, as established by section 11 of the  
14 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
15 and for the necessary expenses to maintain and preserve  
16 a U.S.-flag merchant fleet to serve the national security  
17 needs of the United States, \$412,708,000, to remain avail-  
18 able until expended: *Provided*, That none of the funds pro-  
19 vided in this paragraph shall be used to award a new con-  
20 tract that provides for the acquisition of any of the fol-  
21 lowing major components unless such components are  
22 manufactured in the United States: auxiliary equipment,  
23 including pumps, for all shipboard services; propulsion  
24 system components (that is; engines, reduction gears, and  
25 propellers); shipboard cranes; and spreaders for shipboard

1 cranes: *Provided further*, That the exercise of an option  
2 in a contract awarded through the obligation of previously  
3 appropriated funds shall not be considered to be the award  
4 of a new contract: *Provided further*, That the Secretary  
5 of the military department responsible for such procure-  
6 ment may waive the restrictions in the first proviso on  
7 a case-by-case basis by certifying in writing to the Com-  
8 mittees on Appropriations of the House of Representatives  
9 and the Senate that adequate domestic supplies are not  
10 available to meet Department of Defense requirements on  
11 a timely basis and that such an acquisition must be made  
12 in order to acquire capability for national security pur-  
13 poses.

## 14 TITLE VI

### 15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 16 DEFENSE HEALTH PROGRAM

17 For expenses, not otherwise provided for, for medical  
18 and health care programs of the Department of Defense,  
19 as authorized by law, \$18,277,403,000, of which  
20 \$17,574,750,000 shall be for Operation and maintenance,  
21 of which not to exceed 2 percent shall remain available  
22 until September 30, 2003; of which \$267,915,000, to re-  
23 main available for obligation until September 30, 2004,  
24 shall be for Procurement; of which \$434,738,000, to re-  
25 main available for obligation until September 30, 2003,

1 shall be for Research, development, test and evaluation,  
2 and of which \$20,000,000 shall be available for HIV pre-  
3 vention educational activities undertaken in connection  
4 with U.S. military training, exercises, and humanitarian  
5 assistance activities conducted in African nations.

6 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

7 ARMY

8 For expenses, not otherwise provided for, necessary  
9 for the destruction of the United States stockpile of lethal  
10 chemical agents and munitions in accordance with the pro-  
11 visions of section 1412 of the Department of Defense Au-  
12 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
13 struction of other chemical warfare materials that are not  
14 in the chemical weapon stockpile, \$1,093,057,000, of  
15 which \$728,520,000 shall be for Operation and mainte-  
16 nance to remain available until September 30, 2003,  
17 \$164,158,000 shall be for Procurement to remain avail-  
18 able until September 30, 2004, and \$200,379,000 shall  
19 be for Research, development, test and evaluation to re-  
20 main available until September 30, 2003: *Provided*, That  
21 of the funds available under this heading, \$1,000,000 shall  
22 be available until expended each year only for a Johnston  
23 Atoll off-island leave program: *Provided further*, That the  
24 Secretaries concerned shall, pursuant to uniform regula-

1 tions, prescribe travel and transportation allowances for  
2 travel by participants in the off-island leave program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
4 DEFENSE  
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of  
7 the Department of Defense, for transfer to appropriations  
8 available to the Department of Defense for military per-  
9 sonnel of the reserve components serving under the provi-  
10 sions of title 10 and title 32, United States Code; for Op-  
11 eration and maintenance; for Procurement; and for Re-  
12 search, development, test and evaluation, \$827,381,000:  
13 *Provided*, That the funds appropriated under this heading  
14 shall be available for obligation for the same time period  
15 and for the same purpose as the appropriation to which  
16 transferred: *Provided further*, That the transfer authority  
17 provided under this heading is in addition to any other  
18 transfer authority contained elsewhere in this Act.

19 OFFICE OF THE INSPECTOR GENERAL

20 For expenses and activities of the Office of the In-  
21 spector General in carrying out the provisions of the In-  
22 spector General Act of 1978, as amended, \$152,021,000,  
23 of which \$150,221,000 shall be for Operation and mainte-  
24 nance, of which not to exceed \$700,000 is available for  
25 emergencies and extraordinary expenses to be expended on

1 the approval or authority of the Inspector General, and  
2 payments may be made on the Inspector General's certifi-  
3 cate of necessity for confidential military purposes; and  
4 of which \$1,800,000 to remain available until September  
5 30, 2004, shall be for Procurement.

## 6 TITLE VII

### 7 RELATED AGENCIES

#### 8 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 9 DISABILITY SYSTEM FUND

10 For payment to the Central Intelligence Agency Re-  
11 tirement and Disability System Fund, to maintain the  
12 proper funding level for continuing the operation of the  
13 Central Intelligence Agency Retirement and Disability  
14 System, \$212,000,000.

#### 15 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Intelligence Commu-  
18 nity Management Account, \$144,929,000, of which  
19 \$28,003,000 for the Advanced Research and Development  
20 Committee shall remain available until September 30,  
21 2003: *Provided*, That of the funds appropriated under this  
22 heading, \$34,100,000 shall be transferred to the Depart-  
23 ment of Justice for the National Drug Intelligence Center  
24 to support the Department of Defense's counter-drug in-  
25 telligence responsibilities, and of the said amount,

1 \$1,500,000 for Procurement shall remain available until  
2 September 30, 2004, and \$1,000,000 for Research, devel-  
3 opment, test and evaluation shall remain available until  
4 September 30, 2003: *Provided further*, That the National  
5 Drug Intelligence Center shall maintain the personnel and  
6 technical resources to provide timely support to law en-  
7 forcement authorities to conduct document exploitation of  
8 materials collected in Federal, State, and local law en-  
9 forcement activity.

10 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-  
11 MEDIATION, AND ENVIRONMENTAL RESTORATION  
12 FUND

13 For payment to Kaho'olawe Island Conveyance, Re-  
14 mediation, and Environmental Restoration Fund, as au-  
15 thorized by law, \$25,000,000, to remain available until ex-  
16 pended.

17 NATIONAL SECURITY EDUCATION TRUST FUND

18 For the purposes of title VIII of Public Law 102-  
19 183, \$8,000,000, to be derived from the National Security  
20 Education Trust Fund, to remain available until ex-  
21 pended.

## TITLE VIII

## GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

11 (TRANSFER OF FUNDS)

**HR 3338 RFS**



1 and in no case where the item for which funds are re-  
2 quested has been denied by the Congress: *Provided further*,  
3 That the Secretary of Defense shall notify the Congress  
4 promptly of all transfers made pursuant to this authority  
5 or any other authority in this Act: *Provided further*, That  
6 no part of the funds in this Act shall be available to pre-  
7 pare or present a request to the Committees on Appropria-  
8 tions for reprogramming of funds, unless for higher pri-  
9 ority items, based on unforeseen military requirements,  
10 than those for which originally appropriated and in no  
11 case where the item for which reprogramming is requested  
12 has been denied by the Congress.

13 (TRANSFER OF FUNDS)

14 SEC. 8006. During the current fiscal year, cash bal-  
15 ances in working capital funds of the Department of De-  
16 fense established pursuant to section 2208 of title 10,  
17 United States Code, may be maintained in only such  
18 amounts as are necessary at any time for cash disburse-  
19 ments to be made from such funds: *Provided*, That trans-  
20 fers may be made between such funds: *Provided further*,  
21 That transfers may be made between working capital  
22 funds and the “Foreign Currency Fluctuations, Defense”  
23 appropriation and the “Operation and Maintenance” ap-  
24 propriation accounts in such amounts as may be deter-  
25 mined by the Secretary of Defense, with the approval of

1 the Office of Management and Budget, except that such  
2 transfers may not be made unless the Secretary of Defense  
3 has notified the Congress of the proposed transfer. Except  
4 in amounts equal to the amounts appropriated to working  
5 capital funds in this Act, no obligations may be made  
6 against a working capital fund to procure or increase the  
7 value of war reserve material inventory, unless the Sec-  
8 retary of Defense has notified the Congress prior to any  
9 such obligation.

10 SEC. 8007. Funds appropriated by this Act may not  
11 be used to initiate a special access program without prior  
12 notification 30 calendar days in session in advance to the  
13 congressional defense committees.

14 SEC. 8008. None of the funds provided in this Act  
15 shall be available to initiate: (1) a multiyear contract that  
16 employs economic order quantity procurement in excess of  
17 \$20,000,000 in any 1 year of the contract or that includes  
18 an unfunded contingent liability in excess of \$20,000,000;  
19 or (2) a contract for advance procurement leading to a  
20 multiyear contract that employs economic order quantity  
21 procurement in excess of \$20,000,000 in any 1 year, un-  
22 less the congressional defense committees have been noti-  
23 fied at least 30 days in advance of the proposed contract  
24 award: *Provided*, That no part of any appropriation con-  
25 tained in this Act shall be available to initiate a multiyear

1 contract for which the economic order quantity advance  
2 procurement is not funded at least to the limits of the  
3 Government's liability: *Provided further*, That no part of  
4 any appropriation contained in this Act shall be available  
5 to initiate multiyear procurement contracts for any sys-  
6 tems or component thereof if the value of the multiyear  
7 contract would exceed \$500,000,000 unless specifically  
8 provided in this Act: *Provided further*, That no multiyear  
9 procurement contract can be terminated without 10-day  
10 prior notification to the congressional defense committees:  
11 *Provided further*, That the execution of multiyear author-  
12 ity shall require the use of a present value analysis to de-  
13 termine lowest cost compared to an annual procurement.

14 Funds appropriated in title III of this Act may be  
15 used for a C-17 multiyear procurement contract.

16 SEC. 8009. Within the funds appropriated for the op-  
17 eration and maintenance of the Armed Forces, funds are  
18 hereby appropriated pursuant to section 401 of title 10,  
19 United States Code, for humanitarian and civic assistance  
20 costs under chapter 20 of title 10, United States Code.  
21 Such funds may also be obligated for humanitarian and  
22 civic assistance costs incidental to authorized operations  
23 and pursuant to authority granted in section 401 of chap-  
24 ter 20 of title 10, United States Code, and these obliga-  
25 tions shall be reported to the Congress as of September

1 30 of each year: *Provided*, That funds available for oper-  
2 ation and maintenance shall be available for providing hu-  
3 manitarian and similar assistance by using Civic Action  
4 Teams in the Trust Territories of the Pacific Islands and  
5 freely associated states of Micronesia, pursuant to the  
6 Compact of Free Association as authorized by Public Law  
7 99–239: *Provided further*, That upon a determination by  
8 the Secretary of the Army that such action is beneficial  
9 for graduate medical education programs conducted at  
10 Army medical facilities located in Hawaii, the Secretary  
11 of the Army may authorize the provision of medical serv-  
12 ices at such facilities and transportation to such facilities,  
13 on a nonreimbursable basis, for civilian patients from  
14 American Samoa, the Commonwealth of the Northern  
15 Mariana Islands, the Marshall Islands, the Federated  
16 States of Micronesia, Palau, and Guam.

17 SEC. 8010. (a) During fiscal year 2002, the civilian  
18 personnel of the Department of Defense may not be man-  
19 aged on the basis of any end-strength, and the manage-  
20 ment of such personnel during that fiscal year shall not  
21 be subject to any constraint or limitation (known as an  
22 end-strength) on the number of such personnel who may  
23 be employed on the last day of such fiscal year.

24 (b) The fiscal year 2003 budget request for the De-  
25 partment of Defense as well as all justification material

1 and other documentation supporting the fiscal year 2003  
2 Department of Defense budget request shall be prepared  
3 and submitted to the Congress as if subsections (a) and  
4 (b) of this provision were effective with regard to fiscal  
5 year 2003.

6 (c) Nothing in this section shall be construed to apply  
7 to military (civilian) technicians.

8 SEC. 8011. Notwithstanding any other provision of  
9 law, none of the funds made available by this Act shall  
10 be used by the Department of Defense to exceed, outside  
11 the 50 United States, its territories, and the District of  
12 Columbia, 125,000 civilian workyears: *Provided*, That  
13 workyears shall be applied as defined in the Federal Per-  
14 sonnel Manual: *Provided further*, That workyears ex-  
15 pended in dependent student hiring programs for dis-  
16 advantaged youths shall not be included in this workyear  
17 limitation.

18 SEC. 8012. None of the funds made available by this  
19 Act shall be used in any way, directly or indirectly, to in-  
20 fluence congressional action on any legislation or appro-  
21 priation matters pending before the Congress.

22 SEC. 8013. None of the funds appropriated by this  
23 Act shall be available for the basic pay and allowances of  
24 any member of the Army participating as a full-time stu-  
25 dent and receiving benefits paid by the Secretary of Vet-

1 erans Affairs from the Department of Defense Education  
2 Benefits Fund when time spent as a full-time student is  
3 credited toward completion of a service commitment: *Pro-*  
4 *vided*, That this subsection shall not apply to those mem-  
5 bers who have reenlisted with this option prior to October  
6 1, 1987: *Provided further*, That this subsection applies  
7 only to active components of the Army.

8       SEC. 8014. None of the funds appropriated by this  
9 Act shall be available to convert to contractor performance  
10 an activity or function of the Department of Defense that,  
11 on or after the date of the enactment of this Act, is per-  
12 formed by more than 10 Department of Defense civilian  
13 employees until a most efficient and cost-effective organi-  
14 zation analysis is completed on such activity or function  
15 and certification of the analysis is made to the Committees  
16 on Appropriations of the House of Representatives and the  
17 Senate: *Provided*, That this section and subsections (a),  
18 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-  
19 mercial or industrial type function of the Department of  
20 Defense that: (1) is included on the procurement list es-  
21 tablished pursuant to section 2 of the Act of June 25,  
22 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
23 Wagner-O'Day Act; (2) is planned to be converted to per-  
24 formance by a qualified nonprofit agency for the blind or  
25 by a qualified nonprofit agency for other severely handi-

1 capped individuals in accordance with that Act; or (3) is  
2 planned to be converted to performance by a qualified firm  
3 under 51 percent ownership by an Indian tribe, as defined  
4 in section 450b(e) of title 25, United States Code, or a  
5 Native Hawaiian organization, as defined in section  
6 637(a)(15) of title 15, United States Code.

7 (TRANSFER OF FUNDS)

8 SEC. 8015. Funds appropriated in title III of this Act  
9 for the Department of Defense Pilot Mentor-Protege Pro-  
10 gram may be transferred to any other appropriation con-  
11 tained in this Act solely for the purpose of implementing  
12 a Mentor-Protege Program developmental assistance  
13 agreement pursuant to section 831 of the National De-  
14 fense Authorization Act for Fiscal Year 1991 (Public Law  
15 101–510; 10 U.S.C. 2301 note), as amended, under the  
16 authority of this provision or any other transfer authority  
17 contained in this Act.

18 SEC. 8016. None of the funds in this Act may be  
19 available for the purchase by the Department of Defense  
20 (and its departments and agencies) of welded shipboard  
21 anchor and mooring chain 4 inches in diameter and under  
22 unless the anchor and mooring chain are manufactured  
23 in the United States from components which are substan-  
24 tially manufactured in the United States: *Provided*, That  
25 for the purpose of this section manufactured will include

1 cutting, heat treating, quality control, testing of chain and  
2 welding (including the forging and shot blasting process):  
3 *Provided further*, That for the purpose of this section sub-  
4 stantially all of the components of anchor and mooring  
5 chain shall be considered to be produced or manufactured  
6 in the United States if the aggregate cost of the compo-  
7 nents produced or manufactured in the United States ex-  
8 ceeds the aggregate cost of the components produced or  
9 manufactured outside the United States: *Provided further*,  
10 That when adequate domestic supplies are not available  
11 to meet Department of Defense requirements on a timely  
12 basis, the Secretary of the service responsible for the pro-  
13 curement may waive this restriction on a case-by-case  
14 basis by certifying in writing to the Committees on Appro-  
15 priations that such an acquisition must be made in order  
16 to acquire capability for national security purposes.

17 SEC. 8017. None of the funds appropriated by this  
18 Act available for the Civilian Health and Medical Program  
19 of the Uniformed Services (CHAMPUS) or TRICARE  
20 shall be available for the reimbursement of any health care  
21 provider for inpatient mental health service for care re-  
22 ceived when a patient is referred to a provider of inpatient  
23 mental health care or residential treatment care by a med-  
24 ical or health care professional having an economic inter-  
25 est in the facility to which the patient is referred: *Pro-*



1 *vided*, That this limitation does not apply in the case of  
2 inpatient mental health services provided under the pro-  
3 gram for persons with disabilities under subsection (d) of  
4 section 1079 of title 10, United States Code, provided as  
5 partial hospital care, or provided pursuant to a waiver au-  
6 thorized by the Secretary of Defense because of medical  
7 or psychological circumstances of the patient that are con-  
8 firmed by a health professional who is not a Federal em-  
9 ployee after a review, pursuant to rules prescribed by the  
10 Secretary, which takes into account the appropriate level  
11 of care for the patient, the intensity of services required  
12 by the patient, and the availability of that care.

13       SEC. 8018. Funds available in this Act may be used  
14 to provide transportation for the next-of-kin of individuals  
15 who have been prisoners of war or missing in action from  
16 the Vietnam era to an annual meeting in the United  
17 States, under such regulations as the Secretary of Defense  
18 may prescribe.

19       SEC. 8019. Notwithstanding any other provision of  
20 law, during the current fiscal year, the Secretary of De-  
21 fense may, by executive agreement, establish with host na-  
22 tion governments in NATO member states a separate ac-  
23 count into which such residual value amounts negotiated  
24 in the return of United States military installations in  
25 NATO member states may be deposited, in the currency

1 of the host nation, in lieu of direct monetary transfers to  
2 the United States Treasury: *Provided*, That such credits  
3 may be utilized only for the construction of facilities to  
4 support United States military forces in that host nation,  
5 or such real property maintenance and base operating  
6 costs that are currently executed through monetary trans-  
7 fers to such host nations: *Provided further*, That the De-  
8 partment of Defense's budget submission for fiscal year  
9 2003 shall identify such sums anticipated in residual value  
10 settlements, and identify such construction, real property  
11 maintenance or base operating costs that shall be funded  
12 by the host nation through such credits: *Provided further*,  
13 That all military construction projects to be executed from  
14 such accounts must be previously approved in a prior Act  
15 of Congress: *Provided further*, That each such executive  
16 agreement with a NATO member host nation shall be re-  
17 ported to the congressional defense committees, the Com-  
18 mittee on International Relations of the House of Rep-  
19 resentatives and the Committee on Foreign Relations of  
20 the Senate 30 days prior to the conclusion and endorse-  
21 ment of any such agreement established under this provi-  
22 sion.

23 SEC. 8020. None of the funds available to the De-  
24 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

3 SEC. 8021. No more than \$500,000 of the funds ap-  
4 propriated or made available in this Act shall be used dur-  
5 ing a single fiscal year for any single relocation of an orga-  
6 nization, unit, activity or function of the Department of  
7 Defense into or within the National Capital Region: *Pro-*  
8 *vided*, That the Secretary of Defense may waive this re-  
9 striction on a case-by-case basis by certifying in writing  
10 to the congressional defense committees that such a relo-  
11 cation is required in the best interest of the Government.

12 SEC. 8022. In addition to the funds provided else-  
13 where in this Act, \$8,000,000 is appropriated only for in-  
14 centive payments authorized by section 504 of the Indian  
15 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
16 a subcontractor at any tier shall be considered a con-  
17 tractor for the purposes of being allowed additional com-  
18 pensation under section 504 of the Indian Financing Act  
19 of 1974 (25 U.S.C. 1544).

20 SEC. 8023. During the current fiscal year, funds ap-  
21 propriated or otherwise available for any Federal agency,  
22 the Congress, the judicial branch, or the District of Co-  
23 lumbia may be used for the pay, allowances, and benefits  
24 of an employee as defined by section 2105 of title 5,  
25 United States Code, or an individual employed by the gov-

1 ernment of the District of Columbia, permanent or tem-  
2 porary indefinite, who—

3 (1) is a member of a Reserve component of the  
4 Armed Forces, as described in section 10101 of title  
5 10, United States Code, or the National Guard, as  
6 described in section 101 of title 32, United States  
7 Code;

8 (2) performs, for the purpose of providing mili-  
9 tary aid to enforce the law or providing assistance  
10 to civil authorities in the protection or saving of life  
11 or property or prevention of injury—

12 (A) Federal service under sections 331,  
13 332, 333, or 12406 of title 10, United States  
14 Code, or other provision of law, as applicable;  
15 or

16 (B) full-time military service for his or her  
17 State, the District of Columbia, the Common-  
18 wealth of Puerto Rico, or a territory of the  
19 United States; and

20 (3) requests and is granted—

21 (A) leave under the authority of this sec-  
22 tion; or

23 (B) annual leave, which may be granted  
24 without regard to the provisions of sections  
25 5519 and 6323(b) of title 5, United States

1           Code, if such employee is otherwise entitled to  
2           such annual leave:

3 *Provided*, That any employee who requests leave under  
4 subsection (3)(A) for service described in subsection (2)  
5 of this section is entitled to such leave, subject to the pro-  
6 visions of this section and of the last sentence of section  
7 6323(b) of title 5, United States Code, and such leave  
8 shall be considered leave under section 6323(b) of title 5,  
9 United States Code.

10       SEC. 8024. None of the funds appropriated by this  
11 Act shall be available to perform any cost study pursuant  
12 to the provisions of OMB Circular A-76 if the study being  
13 performed exceeds a period of 24 months after initiation  
14 of such study with respect to a single function activity or  
15 48 months after initiation of such study for a multi-func-  
16 tion activity.

17       SEC. 8025. Funds appropriated by this Act for the  
18 American Forces Information Service shall not be used for  
19 any national or international political or psychological ac-  
20 tivities.

21       SEC. 8026. Notwithstanding any other provision of  
22 law or regulation, the Secretary of Defense may adjust  
23 wage rates for civilian employees hired for certain health  
24 care occupations as authorized for the Secretary of Vet-

1 erans Affairs by section 7455 of title 38, United States  
2 Code.

3 SEC. 8027. None of the funds appropriated or made  
4 available in this Act shall be used to reduce or disestablish  
5 the operation of the 53rd Weather Reconnaissance Squad-  
6 ron of the Air Force Reserve, if such action would reduce  
7 the WC-130 Weather Reconnaissance mission below the  
8 levels funded in this Act.

9 SEC. 8028. (a) Of the funds for the procurement of  
10 supplies or services appropriated by this Act, qualified  
11 nonprofit agencies for the blind or other severely handi-  
12 capped shall be afforded the maximum practicable oppor-  
13 tunity to participate as subcontractors and suppliers in the  
14 performance of contracts let by the Department of De-  
15 fense.

16 (b) During the current fiscal year, a business concern  
17 which has negotiated with a military service or defense  
18 agency a subcontracting plan for the participation by  
19 small business concerns pursuant to section 8(d) of the  
20 Small Business Act (15 U.S.C. 637(d)) shall be given  
21 credit toward meeting that subcontracting goal for any  
22 purchases made from qualified nonprofit agencies for the  
23 blind or other severely handicapped.

24 (c) For the purpose of this section, the phrase “quali-  
25 fied nonprofit agency for the blind or other severely handi-

1 capped” means a nonprofit agency for the blind or other  
2 severely handicapped that has been approved by the Com-  
3 mittee for the Purchase from the Blind and Other Severely  
4 Handicapped under the Javits-Wagner-O’Day Act (41  
5 U.S.C. 46–48).

6 SEC. 8029. During the current fiscal year, net re-  
7 cepts pursuant to collections from third party payers pur-  
8 suant to section 1095 of title 10, United States Code, shall  
9 be made available to the local facility of the uniformed  
10 services responsible for the collections and shall be over  
11 and above the facility’s direct budget amount.

12 SEC. 8030. During the current fiscal year, the De-  
13 partment of Defense is authorized to incur obligations of  
14 not to exceed \$350,000,000 for purposes specified in sec-  
15 tion 2350j(c) of title 10, United States Code, in anticipa-  
16 tion of receipt of contributions, only from the Government  
17 of Kuwait, under that section: *Provided*, That upon re-  
18 ceipt, such contributions from the Government of Kuwait  
19 shall be credited to the appropriations or fund which in-  
20 curred such obligations.

21 SEC. 8031. Of the funds made available in this Act,  
22 not less than \$21,417,000 shall be available for the Civil  
23 Air Patrol Corporation, of which \$19,417,000 shall be  
24 available for Civil Air Patrol Corporation operation and  
25 maintenance to support readiness activities which includes

1 \$2,000,000 for the Civil Air Patrol counterdrug program:  
2 *Provided*, That funds identified for “Civil Air Patrol”  
3 under this section are intended for and shall be for the  
4 exclusive use of the Civil Air Patrol Corporation and not  
5 for the Air Force or any unit thereof.

6 SEC. 8032. (a) None of the funds appropriated in this  
7 Act are available to establish a new Department of De-  
8 fense (department) federally funded research and develop-  
9 ment center (FFRDC), either as a new entity, or as a  
10 separate entity administrated by an organization man-  
11 aging another FFRDC, or as a nonprofit membership cor-  
12 poration consisting of a consortium of other FFRDCs and  
13 other non-profit entities.

14 (b) No member of a Board of Directors, Trustees,  
15 Overseers, Advisory Group, Special Issues Panel, Visiting  
16 Committee, or any similar entity of a defense FFRDC,  
17 and no paid consultant to any defense FFRDC, except  
18 when acting in a technical advisory capacity, may be com-  
19 pensated for his or her services as a member of such enti-  
20 ty, or as a paid consultant by more than one FFRDC in  
21 a fiscal year: *Provided*, That a member of any such entity  
22 referred to previously in this subsection shall be allowed  
23 travel expenses and per diem as authorized under the Fed-  
24 eral Joint Travel Regulations, when engaged in the per-  
25 formance of membership duties.



1       (c) Notwithstanding any other provision of law, none  
2 of the funds available to the department from any source  
3 during fiscal year 2002 may be used by a defense FFRDC,  
4 through a fee or other payment mechanism, for construc-  
5 tion of new buildings, for payment of cost sharing for  
6 projects funded by Government grants, for absorption of  
7 contract overruns, or for certain charitable contributions,  
8 not to include employee participation in community service  
9 and/or development.

10       (d) Notwithstanding any other provision of law, of  
11 the funds available to the department during fiscal year  
12 2002, not more than 6,477 staff years of technical effort  
13 (staff years) may be funded for defense FFRDCs: *Pro-*  
14 *vided*, That of the specific amount referred to previously  
15 in this subsection, not more than 1,029 staff years may  
16 be funded for the defense studies and analysis FFRDCs.

17       (e) The Secretary of Defense shall, with the submis-  
18 sion of the department's fiscal year 2003 budget request,  
19 submit a report presenting the specific amounts of staff  
20 years of technical effort to be allocated for each defense  
21 FFRDC during that fiscal year.

22       SEC. 8033. None of the funds appropriated or made  
23 available in this Act shall be used to procure carbon, alloy  
24 or armor steel plate for use in any Government-owned fa-  
25 cility or property under the control of the Department of

1 Defense which were not melted and rolled in the United  
2 States or Canada: *Provided*, That these procurement re-  
3 strictions shall apply to any and all Federal Supply Class  
4 9515, American Society of Testing and Materials (ASTM)  
5 or American Iron and Steel Institute (AISI) specifications  
6 of carbon, alloy or armor steel plate: *Provided further*,  
7 That the Secretary of the military department responsible  
8 for the procurement may waive this restriction on a case-  
9 by-case basis by certifying in writing to the Committees  
10 on Appropriations of the House of Representatives and the  
11 Senate that adequate domestic supplies are not available  
12 to meet Department of Defense requirements on a timely  
13 basis and that such an acquisition must be made in order  
14 to acquire capability for national security purposes: *Pro-*  
15 *vided further*, That these restrictions shall not apply to  
16 contracts which are in being as of the date of the enact-  
17 ment of this Act.

18 SEC. 8034. For the purposes of this Act, the term  
19 “congressional defense committees” means the Armed  
20 Services Committee of the House of Representatives, the  
21 Armed Services Committee of the Senate, the Sub-  
22 committee on Defense of the Committee on Appropriations  
23 of the Senate, and the Subcommittee on Defense of the  
24 Committee on Appropriations of the House of Representa-  
25 tives.

1        SEC. 8035. During the current fiscal year, the De-  
2    partment of Defense may acquire the modification, depot  
3    maintenance and repair of aircraft, vehicles and vessels  
4    as well as the production of components and other De-  
5    fense-related articles, through competition between De-  
6    partment of Defense depot maintenance activities and pri-  
7    vate firms: *Provided*, That the Senior Acquisition Execu-  
8    tive of the military department or defense agency con-  
9    cerned, with power of delegation, shall certify that success-  
10    ful bids include comparable estimates of all direct and in-  
11    direct costs for both public and private bids: *Provided fur-*  
12    *ther*, That Office of Management and Budget Circular A-  
13    76 shall not apply to competitions conducted under this  
14    section.

15       SEC. 8036. (a)(1) If the Secretary of Defense, after  
16    consultation with the United States Trade Representative,  
17    determines that a foreign country which is party to an  
18    agreement described in paragraph (2) has violated the  
19    terms of the agreement by discriminating against certain  
20    types of products produced in the United States that are  
21    covered by the agreement, the Secretary of Defense shall  
22    rescind the Secretary's blanket waiver of the Buy Amer-  
23    ican Act with respect to such types of products produced  
24    in that foreign country.

1       (2) An agreement referred to in paragraph (1) is any  
2 reciprocal defense procurement memorandum of under-  
3 standing, between the United States and a foreign country  
4 pursuant to which the Secretary of Defense has prospec-  
5 tively waived the Buy American Act for certain products  
6 in that country.

7       (b) The Secretary of Defense shall submit to the Con-  
8 gress a report on the amount of Department of Defense  
9 purchases from foreign entities in fiscal year 2002. Such  
10 report shall separately indicate the dollar value of items  
11 for which the Buy American Act was waived pursuant to  
12 any agreement described in subsection (a)(2), the Trade  
13 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
14 international agreement to which the United States is a  
15 party.

16       (c) For purposes of this section, the term “Buy  
17 American Act” means title III of the Act entitled “An Act  
18 making appropriations for the Treasury and Post Office  
19 Departments for the fiscal year ending June 30, 1934,  
20 and for other purposes”, approved March 3, 1933 (41  
21 U.S.C. 10a et seq.).

22       SEC. 8037. Appropriations contained in this Act that  
23 remain available at the end of the current fiscal year as  
24 a result of energy cost savings realized by the Department  
25 of Defense shall remain available for obligation for the

1 next fiscal year to the extent, and for the purposes, pro-  
2 vided in section 2865 of title 10, United States Code.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8038. Amounts deposited during the current fis-  
5 cal year to the special account established under 40 U.S.C.  
6 485(h)(2) and to the special account established under 10  
7 U.S.C. 2667(d)(1) are appropriated and shall be available  
8 until transferred by the Secretary of Defense to current  
9 applicable appropriations or funds of the Department of  
10 Defense under the terms and conditions specified by 40  
11 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C.  
12 2667(d)(1)(B), to be merged with and to be available for  
13 the same time period and the same purposes as the appro-  
14 priation to which transferred.

15 SEC. 8039. The President shall include with each  
16 budget for a fiscal year submitted to the Congress under  
17 section 1105 of title 31, United States Code, materials  
18 that shall identify clearly and separately the amounts re-  
19 quested in the budget for appropriation for that fiscal year  
20 for salaries and expenses related to administrative activi-  
21 ties of the Department of Defense, the military depart-  
22 ments, and the defense agencies.

23 SEC. 8040. Notwithstanding any other provision of  
24 law, funds available for “Drug Interdiction and Counter-

1 Drug Activities, Defense’’ may be obligated for the Young  
2 Marines program.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8041. During the current fiscal year, amounts  
5 contained in the Department of Defense Overseas Military  
6 Facility Investment Recovery Account established by sec-  
7 tion 2921(c)(1) of the National Defense Authorization Act  
8 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
9 be available until expended for the payments specified by  
10 section 2921(c)(2) of that Act: *Provided*, That none of the  
11 funds made available for expenditure under this section  
12 may be transferred or obligated until 30 days after the  
13 Secretary of Defense submits a report which details the  
14 balance available in the Overseas Military Facility Invest-  
15 ment Recovery Account, all projected income into the ac-  
16 count during fiscal years 2002 and 2003, and the specific  
17 expenditures to be made using funds transferred from this  
18 account during fiscal year 2002.

19 SEC. 8042. Of the funds appropriated or otherwise  
20 made available by this Act, not more than \$119,200,000  
21 shall be available for payment of the operating costs of  
22 NATO Headquarters: *Provided*, That the Secretary of De-  
23 fense may waive this section for Department of Defense  
24 support provided to NATO forces in and around the  
25 former Yugoslavia.

1        SEC. 8043. During the current fiscal year, appropria-  
2 tions which are available to the Department of Defense  
3 for operation and maintenance may be used to purchase  
4 items having an investment item unit cost of not more  
5 than \$100,000: *Provided*, That the \$100,000 limitation  
6 shall not apply to amounts appropriated in this Act under  
7 the heading “Operation and Maintenance, Defense-Wide”  
8 for expenses related to certain classified activities.

9        SEC. 8044. (a) During the current fiscal year, none  
10 of the appropriations or funds available to the Department  
11 of Defense Working Capital Funds shall be used for the  
12 purchase of an investment item for the purpose of acquir-  
13 ing a new inventory item for sale or anticipated sale dur-  
14 ing the current fiscal year or a subsequent fiscal year to  
15 customers of the Department of Defense Working Capital  
16 Funds if such an item would not have been chargeable  
17 to the Department of Defense Business Operations Fund  
18 during fiscal year 1994 and if the purchase of such an  
19 investment item would be chargeable during the current  
20 fiscal year to appropriations made to the Department of  
21 Defense for procurement.

22        (b) The fiscal year 2003 budget request for the De-  
23 partment of Defense as well as all justification material  
24 and other documentation supporting the fiscal year 2003  
25 Department of Defense budget shall be prepared and sub-

1 mitted to the Congress on the basis that any equipment  
2 which was classified as an end item and funded in a pro-  
3 curement appropriation contained in this Act shall be  
4 budgeted for in a proposed fiscal year 2003 procurement  
5 appropriation and not in the supply management business  
6 area or any other area or category of the Department of  
7 Defense Working Capital Funds.

8       SEC. 8045. None of the funds appropriated by this  
9 Act for programs of the Central Intelligence Agency shall  
10 remain available for obligation beyond the current fiscal  
11 year, except for funds appropriated for the Reserve for  
12 Contingencies, which shall remain available until Sep-  
13 tember 30, 2003: *Provided*, That funds appropriated,  
14 transferred, or otherwise credited to the Central Intel-  
15 ligence Agency Central Services Working Capital Fund  
16 during this or any prior or subsequent fiscal year shall  
17 remain available until expended: *Provided further*, That  
18 any funds appropriated or transferred to the Central Intel-  
19 ligence Agency for agent operations (regional operations),  
20 and for covert action programs authorized by the Presi-  
21 dent under section 503 of the National Security Act of  
22 1947, as amended, shall remain available until September  
23 30, 2003.

24       SEC. 8046. Notwithstanding any other provision of  
25 law, funds made available in this Act for the Defense In-



1 telligence Agency may be used for the design, develop-  
2 ment, and deployment of General Defense Intelligence  
3 Program intelligence communications and intelligence in-  
4 formation systems for the Services, the Unified and Speci-  
5 fied Commands, and the component commands.

6       SEC. 8047. Of the funds appropriated to the Depart-  
7 ment of Defense under the heading “Operation and Main-  
8 tenance, Defense-Wide”, not less than \$10,000,000 shall  
9 be made available only for the mitigation of environmental  
10 impacts, including training and technical assistance to  
11 tribes, related administrative support, the gathering of in-  
12 formation, documenting of environmental damage, and de-  
13 veloping a system for prioritization of mitigation and cost  
14 to complete estimates for mitigation, on Indian lands re-  
15 sulting from Department of Defense activities.

16       SEC. 8048. Amounts collected for the use of the fa-  
17 cilities of the National Science Center for Communications  
18 and Electronics during the current fiscal year pursuant  
19 to section 1459(g) of the Department of Defense Author-  
20 ization Act, 1986, and deposited to the special account es-  
21 tablished under subsection 1459(g)(2) of that Act are ap-  
22 propriated and shall be available until expended for the  
23 operation and maintenance of the Center as provided for  
24 in subsection 1459(g)(2).

1       SEC. 8049. None of the funds appropriated in this  
2 Act may be used to fill the commander's position at any  
3 military medical facility with a health care professional  
4 unless the prospective candidate can demonstrate profes-  
5 sional administrative skills.

6       SEC. 8050. (a) None of the funds appropriated in this  
7 Act may be expended by an entity of the Department of  
8 Defense unless the entity, in expending the funds, com-  
9 plies with the Buy American Act. For purposes of this  
10 subsection, the term "Buy American Act" means title III  
11 of the Act entitled "An Act making appropriations for the  
12 Treasury and Post Office Departments for the fiscal year  
13 ending June 30, 1934, and for other purposes", approved  
14 March 3, 1933 (41 U.S.C. 10a et seq.).

15       (b) If the Secretary of Defense determines that a per-  
16 son has been convicted of intentionally affixing a label  
17 bearing a "Made in America" inscription to any product  
18 sold in or shipped to the United States that is not made  
19 in America, the Secretary shall determine, in accordance  
20 with section 2410f of title 10, United States Code, wheth-  
21 er the person should be debarred from contracting with  
22 the Department of Defense.

23       (c) In the case of any equipment or products pur-  
24 chased with appropriations provided under this Act, it is  
25 the sense of the Congress that any entity of the Depart-

1 ment of Defense, in expending the appropriation, purchase  
2 only American-made equipment and products, provided  
3 that American-made equipment and products are cost-  
4 competitive, quality-competitive, and available in a timely  
5 fashion.

6 SEC. 8051. None of the funds appropriated by this  
7 Act shall be available for a contract for studies, analysis,  
8 or consulting services entered into without competition on  
9 the basis of an unsolicited proposal unless the head of the  
10 activity responsible for the procurement determines—

11 (1) as a result of thorough technical evaluation,  
12 only one source is found fully qualified to perform  
13 the proposed work;

14 (2) the purpose of the contract is to explore an  
15 unsolicited proposal which offers significant sci-  
16 entific or technological promise, represents the prod-  
17 uct of original thinking, and was submitted in con-  
18 fidence by one source; or

19 (3) the purpose of the contract is to take ad-  
20 vantage of unique and significant industrial accom-  
21 plishment by a specific concern, or to insure that a  
22 new product or idea of a specific concern is given fi-  
23 nancial support:

24 *Provided*, That this limitation shall not apply to contracts  
25 in an amount of less than \$25,000, contracts related to

1 improvements of equipment that is in development or pro-  
2 duction, or contracts as to which a civilian official of the  
3 Department of Defense, who has been confirmed by the  
4 Senate, determines that the award of such contract is in  
5 the interest of the national defense.

6 SEC. 8052. (a) Except as provided in subsections (b)  
7 and (c), none of the funds made available by this Act may  
8 be used—

9 (1) to establish a field operating agency; or

10 (2) to pay the basic pay of a member of the  
11 Armed Forces or civilian employee of the depart-  
12 ment who is transferred or reassigned from a head-  
13 quarters activity if the member or employee's place  
14 of duty remains at the location of that headquarters.

15 (b) The Secretary of Defense or Secretary of a mili-  
16 tary department may waive the limitations in subsection  
17 (a), on a case-by-case basis, if the Secretary determines,  
18 and certifies to the Committees on Appropriations of the  
19 House of Representatives and Senate that the granting  
20 of the waiver will reduce the personnel requirements or  
21 the financial requirements of the department.

22 (c) This section does not apply to field operating  
23 agencies funded within the National Foreign Intelligence  
24 Program.

8 SEC. 8054. Notwithstanding section 303 of Public  
9 Law 96-487 or any other provision of law, the Secretary  
10 of the Navy is authorized to lease real and personal prop-  
11 erty at Naval Air Facility, Adak, Alaska, pursuant to 10  
12 U.S.C. 2667(f), for commercial, industrial or other pur-  
13 poses: *Provided*, That notwithstanding any other provision  
14 of law, the Secretary of the Navy may remove hazardous  
15 materials from facilities, buildings, and structures at  
16 Adak, Alaska, and may demolish or otherwise dispose of  
17 such facilities, buildings, and structures.

19 SEC. 8055. Of the funds provided in Department of  
20 Defense Appropriations Acts, the following funds are here-  
21 by rescinded from the following accounts and programs  
22 in the specified amounts:

25                   “Other Procurement, Navy, 2000/2002”,  
26           \$16,300,000;

1           “Aircraft Procurement, Air Force, 2000/2002”,  
2       \$8,500,000;

3           “Other Procurement, Air Force, 2000/2002”,  
4       \$20,000,000;

5           “Former Soviet Union Threat Reduction, 2001/  
6       2003”, \$32,000,000;

7           “Aircraft Procurement, Army, 2001/2003”,  
8       \$22,000,000;

9           “Procurement of Ammunition, Army, 2001/  
10       2003”, \$27,400,000;

11          “Other Procurement, Army, 2001/2003”,  
12       \$28,745,000;

13          “Aircraft Procurement, Navy, 2001/2003”,  
14       \$8,600,000;

15          “Weapons Procurement, Navy, 2001/2003”,  
16       \$35,000,000;

17          “Other Procurement, Navy, 2001/2003”,  
18       \$14,600,000;

19          “Procurement, Marine Corps, 2001/2003”,  
20       \$1,000,000;

21          “Aircraft Procurement, Air Force, 2001/2003”,  
22       \$19,300,000;

23          “Procurement of Ammunition, Air Force, 2001/  
24       2003”, \$5,800,000;

1           “Other Procurement, Air Force, 2001/2003”,  
2       \$16,800,000;

3           “Research, Development, Test and Evaluation,  
4       Army, 2001/2002”, \$16,300,000;

5           “Research, Development, Test and Evaluation,  
6       Navy, 2001/2002”, \$58,800,000;

7           “Research, Development, Test and Evaluation,  
8       Air Force, 2001/2002”, \$74,433,000; and

9           “Defense Health Program, 2001/2002”,  
10      \$4,000,000.

11       SEC. 8056. None of the funds available in this Act  
12 may be used to reduce the authorized positions for mili-  
13 tary (civilian) technicians of the Army National Guard,  
14 the Air National Guard, Army Reserve and Air Force Re-  
15 serve for the purpose of applying any administratively im-  
16 posed civilian personnel ceiling, freeze, or reduction on  
17 military (civilian) technicians, unless such reductions are  
18 a direct result of a reduction in military force structure.

19       SEC. 8057. None of the funds appropriated or other-  
20 wise made available in this Act may be obligated or ex-  
21 pended for assistance to the Democratic People’s Republic  
22 of North Korea unless specifically appropriated for that  
23 purpose.

24       SEC. 8058. During the current fiscal year, funds ap-  
25 propriated in this Act are available to compensate mem-

1 bers of the National Guard for duty performed pursuant  
2 to a plan submitted by a Governor of a State and approved  
3 by the Secretary of Defense under section 112 of title 32,  
4 United States Code: *Provided*, That during the perform-  
5 ance of such duty, the members of the National Guard  
6 shall be under State command and control: *Provided fur-*  
7 *ther*, That such duty shall be treated as full-time National  
8 Guard duty for purposes of sections 12602(a)(2) and  
9 (b)(2) of title 10, United States Code.

10 SEC. 8059. Funds appropriated in this Act for oper-  
11 ation and maintenance of the Military Departments, Com-  
12 batant Commands and Defense Agencies shall be available  
13 for reimbursement of pay, allowances and other expenses  
14 which would otherwise be incurred against appropriations  
15 for the National Guard and Reserve when members of the  
16 National Guard and Reserve provide intelligence or coun-  
17 terintelligence support to Combatant Commands, Defense  
18 Agencies and Joint Intelligence Activities, including the  
19 activities and programs included within the National For-  
20 eign Intelligence Program (NFIP), the Joint Military In-  
21 telligence Program (JMIP), and the Tactical Intelligence  
22 and Related Activities (TIARA) aggregate: *Provided*, That  
23 nothing in this section authorizes deviation from estab-  
24 lished Reserve and National Guard personnel and training  
25 procedures.



1        SEC. 8060. During the current fiscal year, none of  
2 the funds appropriated in this Act may be used to reduce  
3 the civilian medical and medical support personnel as-  
4 signed to military treatment facilities below the September  
5 30, 2001 level: *Provided*, That the Service Surgeons Gen-  
6 eral may waive this section by certifying to the congres-  
7 sional defense committees that the beneficiary population  
8 is declining in some catchment areas and civilian strength  
9 reductions may be consistent with responsible resource  
10 stewardship and capitation-based budgeting.

11        SEC. 8061. (a) LIMITATION ON PENTAGON RENOVA-  
12 TION COSTS.—Not later than the date each year on which  
13 the President submits to Congress the budget under sec-  
14 tion 1105 of title 31, United States Code, the Secretary  
15 of Defense shall submit to Congress a certification that  
16 the total cost for the planning, design, construction, and  
17 installation of equipment for the renovation of wedges 2  
18 through 5 of the Pentagon Reservation, cumulatively, will  
19 not exceed four times the total cost for the planning, de-  
20 sign, construction, and installation of equipment for the  
21 renovation of wedge 1.

22        (b) ANNUAL ADJUSTMENT.—For purposes of apply-  
23 ing the limitation in subsection (a), the Secretary shall  
24 adjust the cost for the renovation of wedge 1 by any in-  
25 crease or decrease in costs attributable to economic infla-

1 tion, based on the most recent economic assumptions  
2 issued by the Office of Management and Budget for use  
3 in preparation of the budget of the United States under  
4 section 1104 of title 31, United States Code.

5 (c) EXCLUSION OF CERTAIN COSTS.—For purposes  
6 of calculating the limitation in subsection (a), the total  
7 cost for wedges 2 through 5 shall not include—

8 (1) any repair or reconstruction cost incurred  
9 as a result of the terrorist attack on the Pentagon  
10 that occurred on September 11, 2001;

11 (2) any increase in costs for wedges 2 through  
12 5 attributable to compliance with new requirements  
13 of Federal, State, or local laws; and

14 (3) any increase in costs attributable to addi-  
15 tional security requirements that the Secretary of  
16 Defense considers essential to provide a safe and se-  
17 cure working environment.

18 (d) CERTIFICATION COST REPORTS.—As part of the  
19 annual certification under subsection (a), the Secretary  
20 shall report the projected cost (as of the time of the certifi-  
21 cation) for—

22 (1) the renovation of each wedge, including the  
23 amount adjusted or otherwise excluded for such  
24 wedge under the authority of paragraphs (2) and (3)

1 of subsection (c) for the period covered by the cer-  
2 tification; and

3 (2) the repair and reconstruction of wedges 1  
4 and 2 in response to the terrorist attack on the Pen-  
5 tagon that occurred on September 11, 2001.

6 (e) DURATION OF CERTIFICATION REQUIREMENT.—

7 The requirement to make an annual certification under  
8 subsection (a) shall apply until the Secretary certifies to  
9 Congress that the renovation of the Pentagon Reservation  
10 is completed.

11 SEC. 8062. (a) None of the funds available to the  
12 Department of Defense for any fiscal year for drug inter-  
13 diction or counter-drug activities may be transferred to  
14 any other department or agency of the United States ex-  
15 cept as specifically provided in an appropriations law.

16 (b) None of the funds available to the Central Intel-  
17 ligence Agency for any fiscal year for drug interdiction  
18 and counter-drug activities may be transferred to any  
19 other department or agency of the United States except  
20 as specifically provided in an appropriations law.

21 (TRANSFER OF FUNDS)

22 SEC. 8063. Appropriations available in this Act under  
23 the heading “Operation and Maintenance, Defense-Wide”  
24 for increasing energy and water efficiency in Federal  
25 buildings may, during their period of availability, be trans-

1   ferred to other appropriations or funds of the Department  
2   of Defense for projects related to increasing energy and  
3   water efficiency, to be merged with and to be available  
4   for the same general purposes, and for the same time pe-  
5   riod, as the appropriation or fund to which transferred.

6       SEC. 8064. None of the funds appropriated by this  
7   Act may be used for the procurement of ball and roller  
8   bearings other than those produced by a domestic source  
9   and of domestic origin: *Provided*, That the Secretary of  
10  the military department responsible for such procurement  
11  may waive this restriction on a case-by-case basis by certi-  
12  fying in writing to the Committees on Appropriations of  
13  the House of Representatives and the Senate, that ade-  
14  quate domestic supplies are not available to meet Depart-  
15  ment of Defense requirements on a timely basis and that  
16  such an acquisition must be made in order to acquire ca-  
17  pability for national security purposes: *Provided further*,  
18  That this restriction shall not apply to the purchase of  
19  “commercial items”, as defined by section 4(12) of the  
20  Office of Federal Procurement Policy Act, except that the  
21  restriction shall apply to ball or roller bearings purchased  
22  as end items.

23       SEC. 8065. Notwithstanding any other provision of  
24  law, funds available to the Department of Defense shall  
25  be made available to provide transportation of medical

1 supplies and equipment, on a nonreimbursable basis, to  
2 American Samoa, and funds available to the Department  
3 of Defense shall be made available to provide transpor-  
4 tation of medical supplies and equipment, on a non-  
5 reimbursable basis, to the Indian Health Service when it  
6 is in conjunction with a civil-military project.

7       SEC. 8066. None of the funds in this Act may be  
8 used to purchase any supercomputer which is not manu-  
9 factured in the United States, unless the Secretary of De-  
10 fense certifies to the congressional defense committees  
11 that such an acquisition must be made in order to acquire  
12 capability for national security purposes that is not avail-  
13 able from United States manufacturers.

14       SEC. 8067. Notwithstanding any other provision of  
15 law, the Naval shipyards of the United States shall be eli-  
16 gible to participate in any manufacturing extension pro-  
17 gram financed by funds appropriated in this or any other  
18 Act.

19       SEC. 8068. Notwithstanding any other provision of  
20 law, each contract awarded by the Department of Defense  
21 during the current fiscal year for construction or service  
22 performed in whole or in part in a State (as defined in  
23 section 381(d) of title 10, United States Code) which is  
24 not contiguous with another State and has an unemploy-  
25 ment rate in excess of the national average rate of unem-

1 ployment as determined by the Secretary of Labor, shall  
2 include a provision requiring the contractor to employ, for  
3 the purpose of performing that portion of the contract in  
4 such State that is not contiguous with another State, indi-  
5 viduals who are residents of such State and who, in the  
6 case of any craft or trade, possess or would be able to  
7 acquire promptly the necessary skills: *Provided*, That the  
8 Secretary of Defense may waive the requirements of this  
9 section, on a case-by-case basis, in the interest of national  
10 security.

11 SEC. 8069. None of the funds made available in this  
12 or any other Act may be used to pay the salary of any  
13 officer or employee of the Department of Defense who ap-  
14 proves or implements the transfer of administrative re-  
15 sponsibilities or budgetary resources of any program,  
16 project, or activity financed by this Act to the jurisdiction  
17 of another Federal agency not financed by this Act with-  
18 out the express authorization of Congress: *Provided*, That  
19 this limitation shall not apply to transfers of funds ex-  
20 pressly provided for in Defense Appropriations Acts, or  
21 provisions of Acts providing supplemental appropriations  
22 for the Department of Defense.

23 SEC. 8070. (a) LIMITATION ON TRANSFER OF DE-  
24 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
25 other provision of law, none of the funds available to the

1 Department of Defense for the current fiscal year may be  
2 obligated or expended to transfer to another nation or an  
3 international organization any defense articles or services  
4 (other than intelligence services) for use in the activities  
5 described in subsection (b) unless the congressional de-  
6 fense committees, the Committee on International Rela-  
7 tions of the House of Representatives, and the Committee  
8 on Foreign Relations of the Senate are notified 15 days  
9 in advance of such transfer.

10 (b) COVERED ACTIVITIES.—This section applies to—

11 (1) any international peacekeeping or peace-en-  
12 forcement operation under the authority of chapter  
13 VI or chapter VII of the United Nations Charter  
14 under the authority of a United Nations Security  
15 Council resolution; and

16 (2) any other international peacekeeping, peace-  
17 enforcement, or humanitarian assistance operation.

18 (c) REQUIRED NOTICE.—A notice under subsection

19 (a) shall include the following:

20 (1) A description of the equipment, supplies, or  
21 services to be transferred.

22 (2) A statement of the value of the equipment,  
23 supplies, or services to be transferred.

24 (3) In the case of a proposed transfer of equip-  
25 ment or supplies—

1 (A) a statement of whether the inventory  
2 requirements of all elements of the Armed  
3 Forces (including the reserve components) for  
4 the type of equipment or supplies to be trans-  
5 ferred have been met; and

6 (B) a statement of whether the items pro-  
7 posed to be transferred will have to be replaced  
8 and, if so, how the President proposes to pro-  
9 vide funds for such replacement.

10 (d) NATIONAL EMERGENCY OF SEPTEMBER 11,  
11 2001.—The 15-day prior notification period cited in sub-  
12 section (a) shall not apply to any covered activity, oper-  
13 ation or operations initiated as a result of the national  
14 emergency proclaimed by the President as a result of the  
15 terrorist attacks of September 11, 2001. For fiscal year  
16 2002, the Department of Defense shall provide quarterly  
17 reports, in both unclassified and classified form, to the  
18 congressional defense committees, the Committee on  
19 International Relations of the House of Representatives  
20 and the Committee on Foreign Relations of the Senate,  
21 of any transfers during the preceding quarter resulting  
22 from any covered activities, operation or operations ex-  
23 empted from the 15-day prior notification period by this  
24 subsection.



1        SEC. 8071. To the extent authorized by subchapter  
2 VI of chapter 148 of title 10, United States Code, the  
3 Secretary of Defense may issue loan guarantees in support  
4 of United States defense exports not otherwise provided  
5 for: *Provided*, That the total contingent liability of the  
6 United States for guarantees issued under the authority  
7 of this section may not exceed \$15,000,000,000: *Provided*  
8 *further*, That the exposure fees charged and collected by  
9 the Secretary for each guarantee shall be paid by the  
10 country involved and may be financed as part of a loan  
11 guaranteed by the United States, provided that the expo-  
12 sure fee with respect to such loan guarantee be fixed in  
13 an amount that is sufficient to meet the potential liabil-  
14 ities of the United States under the loan guarantee: *Pro-*  
15 *vided further*, That the Secretary shall provide quarterly  
16 reports to the Committees on Appropriations, Armed Serv-  
17 ices, and Foreign Relations of the Senate and the Commit-  
18 tees on Appropriations, Armed Services, and International  
19 Relations in the House of Representatives on the imple-  
20 mentation of this program: *Provided further*, That  
21 amounts charged for administrative fees and deposited to  
22 the special account provided for under section 2540c(d)  
23 of title 10, shall be available for paying the costs of admin-  
24 istrative expenses of the Department of Defense that are

1 attributable to the loan guarantee program under sub-  
2 chapter VI of chapter 148 of title 10, United States Code.

3 SEC. 8072. None of the funds available to the De-  
4 partment of Defense under this Act shall be obligated or  
5 expended to pay a contractor under a contract with the  
6 Department of Defense for costs of any amount paid by  
7 the contractor to an employee when—

8 (1) such costs are for a bonus or otherwise in  
9 excess of the normal salary paid by the contractor  
10 to the employee; and

11 (2) such bonus is part of restructuring costs as-  
12 sociated with a business combination.

13 SEC. 8073. (a) None of the funds appropriated or  
14 otherwise made available in this Act may be used to trans-  
15 port or provide for the transportation of chemical muni-  
16 tions or agents to the Johnston Atoll for the purpose of  
17 storing or demilitarizing such munitions or agents.

18 (b) The prohibition in subsection (a) shall not apply  
19 to any obsolete World War II chemical munition or agent  
20 of the United States found in the World War II Pacific  
21 Theater of Operations.

22 (c) The President may suspend the application of  
23 subsection (a) during a period of war in which the United  
24 States is a party.

1        SEC. 8074. None of the funds provided in title IX  
2 of this Act for “Former Soviet Union Threat Reduction”  
3 may be obligated or expended to finance housing for any  
4 individual who was a member of the military forces of the  
5 Soviet Union or for any individual who is or was a member  
6 of the military forces of the Russian Federation.

7                    (INCLUDING TRANSFER OF FUNDS)

8        SEC. 8075. During the current fiscal year, no more  
9 than \$30,000,000 of appropriations made in this Act  
10 under the heading “Operation and Maintenance, Defense-  
11 Wide” may be transferred to appropriations available for  
12 the pay of military personnel, to be merged with, and to  
13 be available for the same time period as the appropriations  
14 to which transferred, to be used in support of such per-  
15 sonnel in connection with support and services for eligible  
16 organizations and activities outside the Department of De-  
17 fense pursuant to section 2012 of title 10, United States  
18 Code.

19        SEC. 8076. For purposes of section 1553(b) of title  
20 31, United States Code, any subdivision of appropriations  
21 made in this Act under the heading “Shipbuilding and  
22 Conversion, Navy” shall be considered to be for the same  
23 purpose as any subdivision under the heading “Ship-  
24 building and Conversion, Navy” appropriations in any

1 prior year, and the 1 percent limitation shall apply to the  
2 total amount of the appropriation.

3 SEC. 8077. During the current fiscal year, in the case  
4 of an appropriation account of the Department of Defense  
5 for which the period of availability for obligation has ex-  
6 pired or which has closed under the provisions of section  
7 1552 of title 31, United States Code, and which has a  
8 negative unliquidated or unexpended balance, an obliga-  
9 tion or an adjustment of an obligation may be charged  
10 to any current appropriation account for the same purpose  
11 as the expired or closed account if—

12 (1) the obligation would have been properly  
13 chargeable (except as to amount) to the expired or  
14 closed account before the end of the period of avail-  
15 ability or closing of that account;

16 (2) the obligation is not otherwise properly  
17 chargeable to any current appropriation account of  
18 the Department of Defense; and

19 (3) in the case of an expired account, the obli-  
20 gation is not chargeable to a current appropriation  
21 of the Department of Defense under the provisions  
22 of section 1405(b)(8) of the National Defense Au-  
23 thorization Act for Fiscal Year 1991, Public Law  
24 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
25 *vided*, That in the case of an expired account, if sub-

1       sequent review or investigation discloses that there  
2       was not in fact a negative unliquidated or unex-  
3       pended balance in the account, any charge to a cur-  
4       rent account under the authority of this section shall  
5       be reversed and recorded against the expired ac-  
6       count: *Provided further*, That the total amount  
7       charged to a current appropriation under this sec-  
8       tion may not exceed an amount equal to 1 percent  
9       of the total appropriation for that account.

10       SEC. 8078. Funds appropriated in title II of this Act  
11       and for the Defense Health Program in title VI of this  
12       Act for supervision and administration costs for facilities  
13       maintenance and repair, minor construction, or design  
14       projects may be obligated at the time the reimbursable  
15       order is accepted by the performing activity: *Provided*,  
16       That for the purpose of this section, supervision and ad-  
17       ministration costs includes all in-house Government cost.

18       SEC. 8079. During the current fiscal year, the Sec-  
19       retary of Defense may waive reimbursement of the cost  
20       of conferences, seminars, courses of instruction, or similar  
21       educational activities of the Asia-Pacific Center for Secu-  
22       rity Studies for military officers and civilian officials of  
23       foreign nations if the Secretary determines that attend-  
24       ance by such personnel, without reimbursement, is in the  
25       national security interest of the United States: *Provided*,

1 That costs for which reimbursement is waived pursuant  
2 to this section shall be paid from appropriations available  
3 for the Asia-Pacific Center.

4 SEC. 8080. (a) Notwithstanding any other provision  
5 of law, the Chief of the National Guard Bureau may per-  
6 mit the use of equipment of the National Guard Distance  
7 Learning Project by any person or entity on a space-avail-  
8 able, reimbursable basis. The Chief of the National Guard  
9 Bureau shall establish the amount of reimbursement for  
10 such use on a case-by-case basis.

11 (b) Amounts collected under subsection (a) shall be  
12 credited to funds available for the National Guard Dis-  
13 tance Learning Project and be available to defray the costs  
14 associated with the use of equipment of the project under  
15 that subsection. Such funds shall be available for such  
16 purposes without fiscal year limitation.

17 SEC. 8081. Using funds available by this Act or any  
18 other Act, the Secretary of the Air Force, pursuant to a  
19 determination under section 2690 of title 10, United  
20 States Code, may implement cost-effective agreements for  
21 required heating facility modernization in the  
22 Kaiserslautern Military Community in the Federal Repub-  
23 lic of Germany: *Provided*, That in the City of  
24 Kaiserslautern such agreements will include the use of  
25 United States anthracite as the base load energy for mu-

1 nicipal district heat to the United States Defense installa-  
2 tions: *Provided further*, That at Landstuhl Army Regional  
3 Medical Center and Ramstein Air Base, furnished heat  
4 may be obtained from private, regional or municipal serv-  
5 ices, if provisions are included for the consideration of  
6 United States coal as an energy source.

7 SEC. 8082. Notwithstanding 31 U.S.C. 3902, during  
8 the current fiscal year, interest penalties may be paid by  
9 the Department of Defense from funds financing the oper-  
10 ation of the military department or defense agency with  
11 which the invoice or contract payment is associated.

12 SEC. 8083. None of the funds appropriated in title  
13 IV of this Act may be used to procure end-items for deliv-  
14 ery to military forces for operational training, operational  
15 use or inventory requirements: *Provided*, That this restric-  
16 tion does not apply to end-items used in development,  
17 prototyping, and test activities preceding and leading to  
18 acceptance for operational use: *Provided further*, That this  
19 restriction does not apply to programs funded within the  
20 National Foreign Intelligence Program: *Provided further*,  
21 That the Secretary of Defense may waive this restriction  
22 on a case-by-case basis by certifying in writing to the  
23 Committees on Appropriations of the House of Represent-  
24 atives and the Senate that it is in the national security  
25 interest to do so.

1       SEC. 8084. The amount appropriated in this Act for  
2 “Operation and Maintenance, Navy”, is hereby reduced by  
3 \$245,000,000 to reflect a Navy Working Capital Fund  
4 cash balance and rate stabilization adjustment.

5       SEC. 8085. Notwithstanding any other provision in  
6 this Act, the total amount appropriated in this Act is here-  
7 by reduced by \$527,000,000, to reflect working capital  
8 fund fuel price re-estimates and rate stabilization adjust-  
9 ments, to be derived as follows:

10           “Operation and Maintenance, Army”,  
11       \$35,000,000;

12           “Operation and Maintenance, Navy”,  
13       \$230,000,000;

14           “Operation and Maintenance, Marine Corps”,  
15       \$6,000,000;

16           “Operation and Maintenance, Air Force”,  
17       \$247,000,000; and

18           “Operation and Maintenance, Defense-Wide”,  
19       \$9,000,000.

20       SEC. 8086. None of the funds made available in this  
21 Act may be used to approve or license the sale of the F-  
22 22 advanced tactical fighter to any foreign government.

23       SEC. 8087. (a) The Secretary of Defense may, on a  
24 case-by-case basis, waive with respect to a foreign country  
25 each limitation on the procurement of defense items from



1 foreign sources provided in law if the Secretary determines  
2 that the application of the limitation with respect to that  
3 country would invalidate cooperative programs entered  
4 into between the Department of Defense and the foreign  
5 country, or would invalidate reciprocal trade agreements  
6 for the procurement of defense items entered into under  
7 section 2531 of title 10, United States Code, and the  
8 country does not discriminate against the same or similar  
9 defense items produced in the United States for that coun-  
10 try.

11 (b) Subsection (a) applies with respect to—

12 (1) contracts and subcontracts entered into on  
13 or after the date of the enactment of this Act; and

14 (2) options for the procurement of items that  
15 are exercised after such date under contracts that  
16 are entered into before such date if the option prices  
17 are adjusted for any reason other than the applica-  
18 tion of a waiver granted under subsection (a).

19 (c) Subsection (a) does not apply to a limitation re-  
20 garding construction of public vessels, ball and roller bear-  
21 ings, food, and clothing or textile materials as defined by  
22 section 11 (chapters 50–65) of the Harmonized Tariff  
23 Schedule and products classified under headings 4010,  
24 4202, 4203, 6401 through 6406, 6505, 7019, 7218

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

3       SEC. 8088. Funds made available to the Civil Air Pa-  
4 trol in this Act under the heading “Drug Interdiction and  
5 Counter-Drug Activities, Defense” may be used for the  
6 Civil Air Patrol Corporation’s counterdrug program, in-  
7 cluding its demand reduction program involving youth  
8 programs, as well as operational and training drug recon-  
9 naissance missions for Federal, State, and local govern-  
10 ment agencies; for administrative costs, including the hir-  
11 ing of Civil Air Patrol Corporation employees; for travel  
12 and per diem expenses of Civil Air Patrol Corporation per-  
13 sonnel in support of those missions; and for equipment  
14 needed for mission support or performance: *Provided*,  
15 That the Department of the Air Force should waive reim-  
16 bursement from the Federal, State, and local government  
17 agencies for the use of these funds.

18       SEC. 8089. Notwithstanding any other provision of  
19 law, the TRICARE managed care support contracts in ef-  
20 fect, or in final stages of acquisition as of September 30,  
21 2000, may be extended for 2 years: *Provided*, That any  
22 such extension may only take place if the Secretary of De-  
23 fense determines that it is in the best interest of the Gov-  
24 ernment: *Provided further*, That any contract extension  
25 shall be based on the price in the final best and final offer

1 for the last year of the existing contract as adjusted for  
2 inflation and other factors mutually agreed to by the con-  
3 tractor and the Government: *Provided further*, That not-  
4 withstanding any other provision of law, all future  
5 TRICARE managed care support contracts replacing con-  
6 tracts in effect, or in the final stages of acquisition as of  
7 September 30, 2001, may include a base contract period  
8 for transition and up to seven 1-year option periods.

9       SEC. 8090. None of the funds in this Act may be  
10 used to compensate an employee of the Department of De-  
11 fense who initiates a new start program without notifica-  
12 tion to the Office of the Secretary of Defense, the Office  
13 of Management and Budget, and the congressional de-  
14 fense committees, as required by Department of Defense  
15 financial management regulations.

16       SEC. 8091. (a) PROHIBITION.—None of the funds  
17 made available by this Act may be used to support any  
18 training program involving a unit of the security forces  
19 of a foreign country if the Secretary of Defense has re-  
20 ceived credible information from the Department of State  
21 that the unit has committed a gross violation of human  
22 rights, unless all necessary corrective steps have been  
23 taken.

24       (b) MONITORING.—The Secretary of Defense, in con-  
25 sultation with the Secretary of State, shall ensure that

1 prior to a decision to conduct any training program re-  
2 ferred to in subsection (a), full consideration is given to  
3 all credible information available to the Department of  
4 State relating to human rights violations by foreign secu-  
5 rity forces.

6 (c) WAIVER.—The Secretary of Defense, after con-  
7 sultation with the Secretary of State, may waive the prohi-  
8 bition in subsection (a) if he determines that such waiver  
9 is required by extraordinary circumstances.

10 (d) REPORT.—Not more than 15 days after the exer-  
11 cise of any waiver under subsection (c), the Secretary of  
12 Defense shall submit a report to the congressional defense  
13 committees describing the extraordinary circumstances,  
14 the purpose and duration of the training program, the  
15 United States forces and the foreign security forces in-  
16 volved in the training program, and the information relat-  
17 ing to human rights violations that necessitates the waiv-  
18 er.

19 SEC. 8092. The Secretary of Defense, in coordination  
20 with the Secretary of Health and Human Services, may  
21 carry out a program to distribute surplus dental equip-  
22 ment of the Department of Defense, at no cost to the De-  
23 partment of Defense, to Indian health service facilities and  
24 to federally-qualified health centers (within the meaning

1 of section 1905(l)(2)(B) of the Social Security Act (42  
2 U.S.C. 1396d(l)(2)(B))).

3 SEC. 8093. The total amount appropriated in this Act  
4 is hereby reduced by \$200,000,000 to reflect savings from  
5 favorable foreign currency fluctuations, to be derived as  
6 follows:

7 “Military Personnel, Army”, \$30,800,000;

8 “Military Personnel, Navy”, \$600,000;

9 “Military Personnel, Marine Corps”,  
10 \$7,800,000;

11 “Military Personnel, Air Force”, \$15,400,000;

12 “Reserve Personnel, Air Force”, \$8,400,000;

13 “National Guard Personnel, Army”,  
14 \$2,200,000;

15 “Operation and Maintenance, Army”,  
16 \$68,600,000;

17 “Operation and Maintenance, Navy”,  
18 \$14,400,000;

19 “Operation and Maintenance, Marine Corps”,  
20 \$1,000,000;

21 “Operation and Maintenance, Air Force”,  
22 \$26,400,000;

23 “Operation and Maintenance, Defense-Wide”,  
24 \$23,000,000; and

1           “Operation and Maintenance, Air Force Re-  
2           serve”, \$1,400,000.

3           SEC. 8094. None of the funds appropriated or made  
4           available in this Act to the Department of the Navy shall  
5           be used to develop, lease or procure the T-AKE class of  
6           ships unless the main propulsion diesel engines and  
7           propulsors are manufactured in the United States by a  
8           domestically operated entity: *Provided*, That the Secretary  
9           of Defense may waive this restriction on a case-by-case  
10          basis by certifying in writing to the Committees on Appro-  
11          priations of the House of Representatives and the Senate  
12          that adequate domestic supplies are not available to meet  
13          Department of Defense requirements on a timely basis  
14          and that such an acquisition must be made in order to  
15          acquire capability for national security purposes or there  
16          exists a significant cost or quality difference.

17          SEC. 8095. The budget of the President for fiscal  
18          year 2003 submitted to the Congress pursuant to section  
19          1105 of title 31, United States Code, and each annual  
20          budget request thereafter, shall include separate budget  
21          justification documents for costs of United States Armed  
22          Forces’ participation in contingency operations for the  
23          Military Personnel accounts, the Overseas Contingency  
24          Operations Transfer Fund, the Operation and Mainte-  
25          nance accounts, and the Procurement accounts: *Provided*,

1 That these budget justification documents shall include a  
2 description of the funding requested for each anticipated  
3 contingency operation, for each military service, to include  
4 active duty and Guard and Reserve components, and for  
5 each appropriation account: *Provided further*, That these  
6 documents shall include estimated costs for each element  
7 of expense or object class, a reconciliation of increases and  
8 decreases for ongoing contingency operations, and pro-  
9 grammatic data including, but not limited to troop  
10 strength for each active duty and Guard and Reserve com-  
11 ponent, and estimates of the major weapons systems de-  
12 ployed in support of each contingency: *Provided further*,  
13 That these documents shall include budget exhibits OP-  
14 5 and OP-32, as defined in the Department of Defense  
15 Financial Management Regulation, for the Overseas Con-  
16 tingency Operations Transfer Fund for fiscal years 2001  
17 and 2002.

18 SEC. 8096. None of the funds appropriated or other-  
19 wise made available by this or other Department of De-  
20 fense Appropriations Acts may be obligated or expended  
21 for the purpose of performing repairs or maintenance to  
22 military family housing units of the Department of De-  
23 fense, including areas in such military family housing  
24 units that may be used for the purpose of conducting offi-  
25 cial Department of Defense business.

1        SEC. 8097. Notwithstanding any other provision of  
2 law, funds appropriated in this Act under the heading  
3 “Research, Development, Test and Evaluation, Defense-  
4 Wide” for any advanced concept technology demonstration  
5 project may only be obligated 30 days after a report, in-  
6 cluding a description of the project and its estimated an-  
7 nual and total cost, has been provided in writing to the  
8 congressional defense committees: *Provided*, That the Sec-  
9 retary of Defense may waive this restriction on a case-  
10 by-case basis by certifying to the congressional defense  
11 committees that it is in the national interest to do so.

12        SEC. 8098. Notwithstanding any other provision of  
13 law, for the purpose of establishing all Department of De-  
14 fense policies governing the provision of care provided by  
15 and financed under the military health care system’s case  
16 management program under 10 U.S.C. 1079(a)(17), the  
17 term “custodial care” shall be defined as care designed  
18 essentially to assist an individual in meeting the activities  
19 of daily living and which does not require the supervision  
20 of trained medical, nursing, paramedical or other specially  
21 trained individuals: *Provided*, That the case management  
22 program shall provide that members and retired members  
23 of the military services, and their dependents and sur-  
24 vivors, have access to all medically necessary health care  
25 through the health care delivery system of the military



1 services regardless of the health care status of the person  
2 seeking the health care: *Provided further*, That the case  
3 management program shall be the primary obligor for pay-  
4 ment of medically necessary services and shall not be con-  
5 sidered as secondarily liable to title XIX of the Social Se-  
6 curity Act, other welfare programs or charity based care.

7 SEC. 8099. (a) During the current fiscal year, any  
8 refund described in subsection (b) may be credited to the  
9 operation and maintenance account of the Department of  
10 Defense that is current when the refund is received and  
11 that is available for the same purposes as the account  
12 originally charged.

13 (b) Subsection (a) applies to the following:

14 (1) Any refund attributable to the use of a Gov-  
15 ernment travel card by a member of the Armed  
16 Forces or a civilian employee of the Department of  
17 Defense.

18 (2) Any refund attributable to the use of a Gov-  
19 ernment Purchase card by a member of the Armed  
20 Forces or a civilian employee of the Department of  
21 Defense.

22 (3) Any refund attributable to official Govern-  
23 ment travel by a member of the Armed Forces or a  
24 civilian employee of the Department of Defense that

1 is arranged by a Government Contracted Travel  
2 Management Center.

3 SEC. 8100. (a) REGISTERING FINANCIAL MANAGE-  
4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
5 CHIEF INFORMATION OFFICER.—None of the funds ap-  
6 propriated in this Act may be used for a mission critical  
7 or mission essential financial management information  
8 technology system (including a system funded by the de-  
9 fense working capital fund) that is not registered with the  
10 Chief Information Officer of the Department of Defense.  
11 A system shall be considered to be registered with that  
12 officer upon the furnishing to that officer of notice of the  
13 system, together with such information concerning the  
14 system as the Secretary of Defense may prescribe. A fi-  
15 nancial management information technology system shall  
16 be considered a mission critical or mission essential infor-  
17 mation technology system as defined by the Under Sec-  
18 retary of Defense (Comptroller).

19 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—(1)  
21 During the current fiscal year, a financial management  
22 major automated information system may not receive  
23 Milestone I approval, Milestone II approval, or Milestone  
24 III approval, or their equivalent, within the Department  
25 of Defense until the Under Secretary of Defense (Comp-

1 troller) certifies, with respect to that milestone, that the  
2 system is being developed in accordance with the Depart-  
3 ment's Financial Management Modernization Plan. The  
4 Under Secretary of Defense (Comptroller) may require ad-  
5 ditional certifications, as appropriate, with respect to any  
6 such system.

7 (2) The Chief Information Officer shall provide the  
8 congressional defense committees timely notification of  
9 certifications under paragraph (1).

10 (c) DEFINITIONS.—For purposes of this section:

11 (1) The term “Chief Information Officer”  
12 means the senior official of the Department of De-  
13 fense designated by the Secretary of Defense pursu-  
14 ant to section 3506 of title 44, United States Code.

15 (2) The term “information technology system”  
16 has the meaning given the term “information tech-  
17 nology” in section 5002 of the Clinger-Cohen Act of  
18 1996 (40 U.S.C. 1401).

19 (3) The term “major automated information  
20 system” has the meaning given that term in Depart-  
21 ment of Defense Directive 5000.1.

22 SEC. 8101. During the current fiscal year, none of  
23 the funds available to the Department of Defense may be  
24 used to provide support to another department or agency  
25 of the United States if such department or agency is more

1 than 90 days in arrears in making payment to the Depart-  
2 ment of Defense for goods or services previously provided  
3 to such department or agency on a reimbursable basis:  
4 *Provided*, That this restriction shall not apply if the de-  
5 partment is authorized by law to provide support to such  
6 department or agency on a nonreimbursable basis, and is  
7 providing the requested support pursuant to such author-  
8 ity: *Provided further*, That the Secretary of Defense may  
9 waive this restriction on a case-by-case basis by certifying  
10 in writing to the Committees on Appropriations of the  
11 House of Representatives and the Senate that it is in the  
12 national security interest to do so.

13 SEC. 8102. None of the funds provided in this Act  
14 may be used to transfer to any nongovernmental entity  
15 ammunition held by the Department of Defense that has  
16 a center-fire cartridge and a United States military no-  
17 menclature designation of “armor penetrator”, “armor  
18 piercing (AP)”, “armor piercing incendiary (API)”, or  
19 “armor-piercing incendiary-tracer (API-T)”, except to an  
20 entity performing demilitarization services for the Depart-  
21 ment of Defense under a contract that requires the entity  
22 to demonstrate to the satisfaction of the Department of  
23 Defense that armor piercing projectiles are either: (1) ren-  
24 dered incapable of reuse by the demilitarization process;  
25 or (2) used to manufacture ammunition pursuant to a con-

1 tract with the Department of Defense or the manufacture  
2 of ammunition for export pursuant to a License for Per-  
3 manent Export of Unclassified Military Articles issued by  
4 the Department of State.

5 SEC. 8103. Notwithstanding any other provision of  
6 law, the Chief of the National Guard Bureau, or his des-  
7 ignee, may waive payment of all or part of the consider-  
8 ation that otherwise would be required under 10 U.S.C.  
9 2667, in the case of a lease of personal property for a  
10 period not in excess of 1 year to any organization specified  
11 in 32 U.S.C. 508(d), or any other youth, social, or fra-  
12 ternal non-profit organization as may be approved by the  
13 Chief of the National Guard Bureau, or his designee, on  
14 a case-by-case basis.

15 SEC. 8104. None of the funds appropriated by this  
16 Act shall be used for the support of any nonappropriated  
17 funds activity of the Department of Defense that procures  
18 malt beverages and wine with nonappropriated funds for  
19 resale (including such alcoholic beverages sold by the  
20 drink) on a military installation located in the United  
21 States unless such malt beverages and wine are procured  
22 within that State, or in the case of the District of Colum-  
23 bia, within the District of Columbia, in which the military  
24 installation is located: *Provided*, That in a case in which  
25 the military installation is located in more than one State,

1 purchases may be made in any State in which the installa-  
2 tion is located: *Provided further*, That such local procure-  
3 ment requirements for malt beverages and wine shall  
4 apply to all alcoholic beverages only for military installa-  
5 tions in States which are not contiguous with another  
6 State: *Provided further*, That alcoholic beverages other  
7 than wine and malt beverages, in contiguous States and  
8 the District of Columbia shall be procured from the most  
9 competitive source, price and other factors considered.

10 SEC. 8105. During the current fiscal year, under reg-  
11 ulations prescribed by the Secretary of Defense, the Cen-  
12 ter of Excellence for Disaster Management and Humani-  
13 tarian Assistance may also pay, or authorize payment for,  
14 the expenses of providing or facilitating education and  
15 training for appropriate military and civilian personnel of  
16 foreign countries in disaster management, peace oper-  
17 ations, and humanitarian assistance: *Provided*, That not  
18 later than April 1, 2002, the Secretary of Defense shall  
19 submit to the congressional defense committees a report  
20 regarding the training of foreign personnel conducted  
21 under this authority during the preceding fiscal year for  
22 which expenses were paid under the section: *Provided fur-*  
23 *ther*, That the report shall specify the countries in which  
24 the training was conducted, the type of training con-  
25 ducted, and the foreign personnel trained.

1        SEC. 8106. (a) The Department of Defense is author-  
2 ized to enter into agreements with the Veterans Adminis-  
3 tration and federally-funded health agencies providing  
4 services to Native Hawaiians for the purpose of estab-  
5 lishing a partnership similar to the Alaska Federal Health  
6 Care Partnership, in order to maximize Federal resources  
7 in the provision of health care services by federally-funded  
8 health agencies, applying telemedicine technologies. For  
9 the purpose of this partnership, Native Hawaiians shall  
10 have the same status as other Native Americans who are  
11 eligible for the health care services provided by the Indian  
12 Health Service.

13        (b) The Department of Defense is authorized to de-  
14 velop a consultation policy, consistent with Executive  
15 Order No. 13084 (issued May 14, 1998), with Native Ha-  
16 waiians for the purpose of assuring maximum Native Ha-  
17 waiian participation in the direction and administration of  
18 governmental services so as to render those services more  
19 responsive to the needs of the Native Hawaiian commu-  
20 nity.

21        (c) For purposes of this section, the term “Native  
22 Hawaiian” means any individual who is a descendant of  
23 the aboriginal people who, prior to 1778, occupied and ex-  
24 ercised sovereignty in the area that now comprises the  
25 State of Hawaii.

1       SEC. 8107. In addition to the amounts provided else-  
2 where in this Act, the amount of \$10,000,000 is hereby  
3 appropriated for “Operation and Maintenance, Defense-  
4 Wide”, to be available, notwithstanding any other provi-  
5 sion of law, only for a grant to the United Service Organi-  
6 zations Incorporated, a federally chartered corporation  
7 under chapter 2201 of title 36, United States Code. The  
8 grant provided under authority of this section is in addi-  
9 tion to any grant provided for under any other provision  
10 of law.

11       SEC. 8108. Of the amounts appropriated in the Act  
12 under the heading, “Research, Development, Test and  
13 Evaluation, Ballistic Missile Defense Organization”,  
14 \$34,000,000 may be available for the purpose of adjusting  
15 the cost-share of the parties under the Agreement between  
16 the Department of Defense and the Ministry of Defence  
17 of Israel for the Arrow Deployability Program.

18       SEC. 8109. Funds available to the Department of De-  
19 fense for the Global Positioning System during the current  
20 fiscal year may be used to fund civil requirements associ-  
21 ated with the satellite and ground control segments of  
22 such system’s modernization program.

23                   (INCLUDING TRANSFER OF FUNDS)

24       SEC. 8110. Of the amounts appropriated in this Act  
25 under the heading, “Operation and Maintenance, Defense-



1 Wide”, \$115,000,000 shall remain available until ex-  
2 pended: *Provided*, That notwithstanding any other provi-  
3 sion of law, the Secretary of Defense is authorized to  
4 transfer such funds to other activities of the Federal Gov-  
5 ernment.

6 SEC. 8111. The Ballistic Missile Defense Organiza-  
7 tion and its subordinate offices and associated contractors,  
8 including the Lead Systems Integrator, shall notify the  
9 congressional defense committees 15 days prior to issuing  
10 any type of information or proposal solicitation for the  
11 Ground Based Midcourse Defense Segment with a poten-  
12 tial annual contract value greater than \$5,000,000 or a  
13 total contract value greater than \$30,000,000.

14 SEC. 8112. None of the funds appropriated in this  
15 Act under the heading “Overseas Contingency Operations  
16 Transfer Fund” may be transferred or obligated for De-  
17 partment of Defense expenses not directly related to the  
18 conduct of overseas contingencies: *Provided*, That the Sec-  
19 retary of Defense shall submit a report no later than 30  
20 days after the end of each fiscal quarter to the Committees  
21 on Appropriations of the Senate and House of Representa-  
22 tives that details any transfer of funds from the “Overseas  
23 Contingency Operations Transfer Fund”: *Provided fur-*  
24 *ther*, That the report shall explain any transfer for the  
25 maintenance of real property, pay of civilian personnel,

1 base operations support, and weapon, vehicle or equipment  
2 maintenance.

3 SEC. 8113. The Secretary of Defense may treat the  
4 opening of the Pacific Wing of the National D-Day Mu-  
5 seum in New Orleans, Louisiana, as an official event of  
6 the Department of Defense for the purposes of the provi-  
7 sion of support for ceremonies and activities related to  
8 that opening.

9 SEC. 8114. Section 8106 of the Department of De-  
10 fense Appropriations Act, 1997 (titles I through VIII of  
11 the matter under subsection 101(b) of Public Law 104–  
12 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
13 tinue in effect to apply to disbursements that are made  
14 by the Department of Defense in fiscal year 2002.

15 SEC. 8115. In addition to amounts provided in this  
16 Act, \$2,000,000 is hereby appropriated for “Defense  
17 Health Program”, to remain available for obligation until  
18 expended: *Provided*, That notwithstanding any other pro-  
19 vision of law, these funds shall be available only for a  
20 grant to the Fisher House Foundation, Inc., only for the  
21 construction and furnishing of additional Fisher Houses  
22 to meet the needs of military family members when con-  
23 fronted with the illness or hospitalization of an eligible  
24 military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8116. In addition to the amounts appropriated elsewhere in this Act, \$2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account “Fossil Energy Research and Development”, only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

SEC. 8117. The total amount appropriated in this Act is reduced by \$955,000,000, for efficiencies in the contractor work force, to be derived as follows:

“Operation and Maintenance, Army”,  
\$269,500,000;

“Operation and Maintenance, Navy”,  
\$157,200,000;

“Operation and Maintenance, Marine Corps”,  
\$23,900,000;

“Operation and Maintenance, Air Force”,  
\$180,200,000;

1           “Operation and Maintenance, Defense-Wide”,  
2       \$103,700,000;

3           “Operation and Maintenance, Army Reserve”,  
4       \$23,200,000;

5           “Operation and Maintenance, Navy Reserve”,  
6       \$3,300,000;

7           “Operation and Maintenance, Air Force Re-  
8       serve”, \$31,200,000;

9           “Operation and Maintenance, Army National  
10      Guard”, \$53,600,000;

11          “Operation and Maintenance, Air National  
12      Guard”, \$52,500,000;

13          “Research, Development, Test and Evaluation,  
14      Army”, \$35,300,000;

15          “Research, Development, Test and Evaluation,  
16      Navy”, \$3,000,000;

17          “Research, Development, Test and Evaluation,  
18      Air Force”, \$15,700,000; and

19          “Research, Development, Test and Evaluation,  
20      Defense-Wide”, \$2,700,000.

21      SEC. 8118. Funds appropriated for Operation and  
22      Maintenance in title II of this Act may be used to complete  
23      certain projects for which funds have been provided  
24      from—

1           (1) amounts appropriated for “Operation and  
2       Maintenance, Navy” in section 110 of the Emer-  
3       gency Supplemental Act, 2000 (division B of Public  
4       Law 106–246; 114 Stat. 530); or

5           (2) amounts appropriated for “Operation and  
6       Maintenance, Navy” in section 9001(a)(2)(i) of the  
7       Department of Defense Appropriations Act, 2001  
8       (Public Law 106–259; 114 Stat. 709).

9       SEC. 8119. Notwithstanding any other provision of  
10      law, from funds appropriated in this or any other Act  
11      under the heading, “Aircraft Procurement, Air Force”,  
12      that remain available for obligation, not to exceed  
13      \$16,000,000 shall be available for recording, adjusting,  
14      and liquidating obligations for the C–17 aircraft properly  
15      chargeable to the fiscal year 1998 “Aircraft Procurement,  
16      Air Force” account: *Provided*, That the Secretary of the  
17      Air Force shall notify the congressional defense commit-  
18      tees 30 days prior to obligation of all of the specific  
19      sources of funds to be used for such purpose.

20      SEC. 8120. Notwithstanding any other provision of  
21      law, from funds appropriated in this or any other Act  
22      under the heading, “Missile Procurement, Air Force”,  
23      that remain available for obligation, not to exceed  
24      \$50,000,000 shall be available for recording, adjusting,  
25      and liquidating obligations properly chargeable to fiscal

1 year 1997 and 1998 “Missile Procurement, Air Force” ac-  
2 counts: *Provided*, That the Secretary of the Air Force  
3 shall notify the congressional defense committees 30 days  
4 prior to obligation of all of the specific sources of funds  
5 to be used for such purpose.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8121. Of the amounts appropriated in this Act  
8 under the heading, “Shipbuilding and Conversion, Navy”,  
9 \$680,000,000 shall be available until September 30, 2002,  
10 to fund prior year shipbuilding cost increases: *Provided*,  
11 That upon enactment of this Act, the Secretary of Defense  
12 shall transfer such funds to the following appropriations  
13 in the amounts specified: *Provided further*, That the  
14 amounts transferred shall be merged with and be available  
15 for the same purposes and for the same time period as  
16 the appropriations or fund to which transferred:

17 To:

18 Under the heading, “Shipbuilding and Conver-  
19 sion, Navy, 1995/2002”: Carrier Replacement Pro-  
20 gram, \$172,364,000;

21 Under the heading, “Shipbuilding and Conver-  
22 sion, Navy, 1996/2002”: LPD-17 Amphibious  
23 Transport Dock Ship Program, \$172,989,000;

24 Under the heading, “Shipbuilding and Conver-  
25 sion, Navy, 1997/2002”: DDG-51 Destroyer Pro-  
26 gram, \$37,200,000;

1 Under the heading, “Shipbuilding and Conver-  
2 sion, Navy, 1998/2002”:

3 NSSN Program, \$123,561,000;

4 DDG-51 Destroyer Program,  
5 \$111,457,000;

6 Under the heading, “Shipbuilding and Conver-  
7 sion, Navy, 1999/2002”: NSSN Program,  
8 \$62,429,000.

9 (TRANSFER OF FUNDS)

10 SEC. 8122. Upon enactment of this Act, the Sec-  
11 retary of Defense shall make the following transfers of  
12 funds: *Provided*, That the amounts transferred shall be  
13 available for the same purpose as the appropriations to  
14 which transferred, and for the same time period as the  
15 appropriation from which transferred: *Provided further*,  
16 That the amounts shall be transferred between the fol-  
17 lowing appropriations in the amount specified:

18 From:

19 Under the heading, “Shipbuilding and Conver-  
20 sion, Navy, 1990/2002”:

21 TRIDENT ballistic missile submarine pro-  
22 gram, \$78,000;

23 SSN-21 attack submarine program,  
24 \$66,000;

25 DDG-51 destroyer program, \$6,100,000;

1                   ENTERPRISE       refueling/modernization  
2                   program, \$964,000;  
3                   LSD-41 dock landing ship cargo variant  
4                   ship program, \$237,000;  
5                   MCM mine countermeasures program,  
6                   \$118,000;  
7                   Oceanographic ship program, \$2,317,000;  
8                   AOE combat support ship program,  
9                   \$164,000;  
10                  AO conversion program, \$56,000;  
11                  Coast Guard icebreaker ship program,  
12                  \$863,000;  
13                  Craft, outfitting, post delivery, and ship  
14                  special support equipment, \$529,000;  
15       To:  
16                  Under the heading, “Shipbuilding and Conver-  
17                  sion, Navy, 1998/2002”: DDG-51 destroyer pro-  
18                  gram, \$11,492,000;  
19       From:  
20                  Under the heading, “Shipbuilding and Conver-  
21                  sion, Navy, 1993/2002”:  
22                  DDG-51 destroyer program, \$3,986,000;  
23                  LHD-1 amphibious assault ship program,  
24                  \$85,000;



1 LSD-41 dock landing ship cargo variant  
2 program, \$428,000;

3 AOE combat support ship program,  
4 \$516,000;

5 Craft, outfitting, post delivery, and first  
6 destination transportation, and inflation adjust-  
7 ments, \$1,034,000;

8 To:

9 Under the heading, “Shipbuilding and Conver-  
10 sion, Navy, 1998/2002”: DDG-51 destroyer pro-  
11 gram, \$6,049,000.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8123. Of the funds appropriated by this Act  
14 under the heading, “Operation and Maintenance, Navy”,  
15 \$56,000,000 shall remain available until expended, only  
16 for costs associated with the stabilization, return, refit-  
17 ting, necessary force protection upgrades, and repair of  
18 the U.S.S. COLE: *Provided*, That the Secretary of De-  
19 fense may transfer these funds to appropriations accounts  
20 for procurement and that the funds transferred shall be  
21 merged with and shall be available for the same purposes  
22 and for the same time period as the appropriation to which  
23 transferred: *Provided further*, That the transfer authority  
24 provided in this section is in addition to any other transfer  
25 authority available to the Department of Defense.

1       SEC. 8124. The Secretary of the Navy may settle,  
2 or compromise, and pay any and all admiralty claims  
3 under 10 U.S.C. 7622 arising out of the collision involving  
4 the U.S.S. GREENEVILLE and the EHIME MARU, in  
5 any amount and without regard to the monetary limita-  
6 tions in subsections (a) and (b) of that section: *Provided*,  
7 That such payments shall be made from funds available  
8 to the Department of the Navy for operation and mainte-  
9 nance.

10       SEC. 8125. Notwithstanding section 229(a) of the So-  
11 cial Security Act, no wages shall be deemed to have been  
12 paid to any individual pursuant to that section in any cal-  
13 endar year after 2001.

14       SEC. 8126. The total amount appropriated in this Act  
15 is hereby reduced by \$230,000,000 to reflect fact-of-life  
16 changes in utilities costs, to be derived as follows:

17               “Operation     and     Maintenance,     Army”,  
18       \$75,900,000;

19               “Operation     and     Maintenance,     Navy”,  
20       \$17,100,000;

21               “Operation and Maintenance, Marine Corps”,  
22       \$15,000,000;

23               “Operation     and     Maintenance,     Air   Force”,  
24       \$60,100,000;

1           “Operation and Maintenance, Defense-Wide”,  
2       \$9,800,000;

3           “Operation and Maintenance, Army Reserve”,  
4       \$6,000,000;

5           “Operation and Maintenance, Navy Reserve”,  
6       \$2,300,000;

7           “Operation and Maintenance, Marine Corps Re-  
8       serve”, \$800,000;

9           “Operation and Maintenance, Air Force Re-  
10      serve”, \$3,000,000;

11          “Operation and Maintenance, Army National  
12      Guard”, \$6,000,000;

13          “Operation and Maintenance, Air National  
14      Guard”, \$7,500,000;

15          “Drug Interdiction and Counter-Drug Activi-  
16      ties, Defense”, \$800,000;

17          “Defense Working Capital Funds”,  
18      \$14,400,000; and

19          “Defense Health Program”, \$11,300,000.

20      SEC. 8127. Notwithstanding any other provision in  
21      this Act, the total amount appropriated in this Act is here-  
22      by reduced by \$797,919,000, to reduce excess funded car-  
23      ryover, to be derived as follows:

24          “Operation and Maintenance, Army”,  
25      \$131,000,000;

1           “Operation and Maintenance, Navy”,  
2       \$343,719,000;

3           “Operation and Maintenance, Marine Corps”,  
4       \$25,000,000;

5           “Operation and Maintenance, Air Force”,  
6       \$283,200,000;

7           “Operation and Maintenance, Defense-Wide”,  
8       \$15,000,000.

9       SEC. 8128. (a) Of the total amount appropriated for  
10 “Operation and Maintenance, Air Force”, \$2,500,000, to  
11 remain available until expended, shall be available to the  
12 Secretary of the Air Force only for the purpose of making  
13 a grant in the amount of \$2,500,000 to the Lafayette Es-  
14 cadrille Memorial Foundation, Inc., to be used to perform  
15 the repair, restoration, and preservation of the structure,  
16 plaza, and surrounding grounds of the Lafayette Esca-  
17 drille Memorial in Marnes la-Coguette, France.

18       (b) The Secretary shall require as a condition of the  
19 grant—

20           (1) that the funds provided through the grant  
21       be used only for costs associated with such repair,  
22       restoration, and preservation; and

23           (2) that none of those funds may be used for  
24       remuneration of any entity or individual associated

1 with fund raising for the project to carry out such  
2 repair, restoration, and preservation.

3 SEC. 8129. None of the funds in this or any other  
4 Act may be used by the Secretary of the Interior to remove  
5 the five foot tall memorial cross originally erected in 1934  
6 by the Veterans of Foreign Wars in honor of fallen World  
7 War I veterans and located within the boundary of the  
8 Mojave National Preserve in southern California along  
9 Cima Road approximately 11 miles south of Interstate 15.

10 SEC. 8130. In addition to the amounts provided else-  
11 where in this Act, the amount of \$6,000,000 is hereby ap-  
12 propriated to the Department of Defense for “Operation  
13 and Maintenance, Navy”. Such amount shall be used by  
14 the Secretary of the Navy only to make a grant in the  
15 amount of \$6,000,000 to the U.S.S. Alabama Battleship  
16 Foundation, a nonprofit organization established under  
17 the laws of the State of Alabama, to be available only for  
18 the preservation of the former U.S.S. ALABAMA (ex BB-  
19 60) as a museum and memorial.

20 SEC. 8131. In addition to the amounts provided else-  
21 where in this Act, the amount of \$5,000,000 is hereby ap-  
22 propriated to the Department of Defense for “Operation  
23 and Maintenance, Navy”. Such amount shall be used by  
24 the Secretary of the Navy only to make a grant in the  
25 amount of \$5,000,000 to the Intrepid Sea-Air-Space

1 Foundation only for the preservation of the former U.S.S.  
2 INTREPID (CV 11) as a museum and memorial.

3 SEC. 8132. In addition to the amounts provided else-  
4 where in this Act, the amount of \$6,000,000 is hereby ap-  
5 propriated to the Department of Defense for “Operation  
6 and Maintenance, Air Force”. Such amount shall be used  
7 by the Secretary of the Air Force only to make a grant  
8 in the amount of \$6,000,000 to the Medical Lake School  
9 District, Washington State school district number 326, for  
10 relocation of the Fairchild Air Force Base Elementary  
11 School within the boundary of Fairchild Air Force Base,  
12 Washington.

13 SEC. 8133. In addition to the amounts provided else-  
14 where in this Act, the amount of \$5,000,000 is hereby ap-  
15 propriated to the Department of Defense for “Operation  
16 and Maintenance, Navy”. Such amount shall be used by  
17 the Secretary of the Navy only to make a grant in the  
18 amount of \$5,000,000 to the Central Kitsap School Dis-  
19 trict, Washington State school district number 401, for  
20 the purchase and installation of equipment for a special  
21 needs learning center to meet the needs of Department  
22 of Defense special needs students at Submarine Base Ban-  
23 gor, Washington.

24 SEC. 8134. (a) In addition to amounts provided else-  
25 where in this Act, the amount of \$10,000,000 is hereby

1 appropriated for “Operation and Maintenance, Defense-  
2 Wide”, to be available to the Secretary of Defense only  
3 for the purpose of making a grant for the purpose speci-  
4 fied in section 8156 of the Department of Defense Appro-  
5 priations Act, 2001 (Public Law 106–259; 114 Stat. 707),  
6 as amended by subsection (b). Such grant shall be made  
7 not later than 90 days after the date of the enactment  
8 of this Act.

9 (b) Section 8156 of the Department of Defense Ap-  
10 propriations Act, 2001 (Public Law 106–259; 114 Stat.  
11 707), is amended by striking the comma after “Califor-  
12 nia” the first place it appears and all that follows  
13 through “96–8867”).

14 SEC. 8135. (a) ACTIVITIES UNDER FORMERLY UTI-  
15 LIZED SITES REMEDIAL ACTION PROGRAM.—Subject to  
16 subsections (b) through (e) of section 611 of Public Law  
17 106–60 (113 Stat. 502; 10 U.S.C. 2701 note), the Sec-  
18 retary of the Army, acting through the Chief of Engineers,  
19 under the Formerly Utilized Sites Remedial Action Pro-  
20 gram shall undertake the functions and activities specified  
21 in subsection (a) of such section in order to—

22 (1) clean up radioactive contamination at the  
23 Shpack Landfill site located in Norton and Attle-  
24 boro, Massachusetts; and

1           (2) clean up radioactive waste at the Shallow  
2       Land Disposal Area located in Parks Township,  
3       Armstrong County, Pennsylvania, consistent with  
4       the Memorandum of Understanding Between the  
5       United States Nuclear Regulatory Commission and  
6       the United States Army Corps of Engineers for Co-  
7       ordination on Cleanup and Decommissioning of the  
8       Formerly Utilized Sites Remedial Action Program  
9       (FUSRAP) Sites with NRC-Licensed Facilities,  
10      dated July 5, 2001.

11       (b) SPECIAL RULES REGARDING SHALLOW LAND  
12   DISPOSAL AREA.—The Secretary of the Army shall seek  
13   to recover response costs incurred by the Army Corps of  
14   Engineers for cleanup of the Shallow Land Disposal Area  
15   from appropriate responsible parties in accordance with  
16   the Comprehensive Environmental Response, Compensa-  
17   tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).  
18   The Secretary of the Army and the Corps of Engineers  
19   shall not, by virtue of this cleanup, become liable for the  
20   actions or omissions of past, current, or future licensees,  
21   owners, or operators of the Shallow Land Disposal Area.

22       (c) FUNDING SOURCES.—Amounts appropriated to  
23   the Army Corps of Engineers for fiscal year 2001 and sub-  
24   sequent fiscal years and available for the Formerly Uti-



1 lized Sites Remedial Action Program shall be available to  
2 carry out this section.

3       SEC. 8136. In addition to amounts otherwise appro-  
4 priated or made available by this Act, \$3,000,000 is ap-  
5 propriated to the Secretary of the Air Force and shall be  
6 used by the Secretary to reestablish the Tethered Aerostat  
7 Radar System at Morgan City, Louisiana, previously used  
8 by the Air Force in maritime, air, and land counter-drug  
9 detection and monitoring. Of the amounts appropriated or  
10 otherwise made available for operation and maintenance  
11 for the Air Force, the Secretary shall use \$3,000,000 to  
12 operate such Tethered Aerostat Radar System upon its  
13 reestablishment.

14       SEC. 8137. None of the funds in this Act may be  
15 used to implement the establishment of an independent  
16 unmanned aerial vehicle joint operational test bed system  
17 and/or the transfer of two Predator UAVs, tactical control  
18 system (TCS) ground station and assorted equipment  
19 from the Navy to Joint Forces Command (JFCOM).

20       SEC. 8138. The \$100,000 limitation established by  
21 section 8043 of Public Law 106–259, shall not apply to  
22 amounts appropriated in that Act under the heading “Op-  
23 eration and Maintenance, Defense-Wide” for expenses re-  
24 lated to certain classified activities associated with foreign  
25 material.

1        SEC. 8139. The total amount appropriated in this Act  
2 for Operation and Maintenance is hereby reduced by  
3 \$330,000,000, to reflect savings attributable to improved  
4 supervision in determining appropriate purchases to be  
5 made using the Government purchase card, to be derived  
6 as follows:

7            “Operation and Maintenance, Army”,  
8        \$122,100,000;

9            “Operation and Maintenance, Navy”,  
10       \$95,700,000;

11           “Operation and Maintenance, Marine Corps”,  
12       \$9,900,000;

13           “Operation and Maintenance, Air Force”,  
14       \$79,200,000; and

15           “Operation and Maintenance, Defense-Wide”,  
16       \$23,100,000.

17        SEC. 8140. The Secretary of Defense and the Sec-  
18 retary of Veterans Affairs shall jointly conduct a com-  
19 prehensive assessment that identifies and evaluates  
20 changes to Department of Defense and Department of  
21 Veterans Affairs health care delivery policies, methods,  
22 practices, and procedures in order to provide improved  
23 health care services at reduced costs to the taxpayer. This  
24 assessment shall include a detailed independent review,  
25 based on a statement of work authored by the Secretaries

1 of both departments, of options to collocate or share facili-  
2 ties and care providers in areas where duplication and ex-  
3 cess capacity may exist, optimize economies of scale  
4 through joint procurement of supplies and services, insti-  
5 tute cooperative service agreements, and partially or fully  
6 integrate DOD and VA systems providing telehealth serv-  
7 ices, computerized patient records, provider credentialing,  
8 surgical quality assessment, rehabilitation services, admin-  
9 istrative services, and centers of excellence for specialized  
10 health care services. The Secretaries shall jointly transmit  
11 a report to Congress by no later than March 1, 2002, ex-  
12 plaining the findings and conclusions of this assessment,  
13 including detailed estimates of the costs, cost savings, and  
14 service benefits of each recommendation, and making leg-  
15 islative and administrative recommendations to implement  
16 the results of this effort: *Provided*, That of the funds pro-  
17 vided under the heading “Defense Health Program”  
18 \$5,000,000 shall be made available only for the purpose  
19 of conducting the assessment described in this section.

20 SEC. 8141. (a) Notwithstanding any other provision  
21 of law, operation and maintenance funds provided in this  
22 Act may be used for the purchase of ultralightweight cam-  
23ouflaged net systems as unit spares in order to modernize  
24 the current inventory of camouflage screens to state-of-

1 the-art protection standards more quickly than would oth-  
2 erwise be the case.

3 (b) The authority provided by subsection (a) may not  
4 be used until the Secretary of the Army submits to the  
5 congressional defense committees a report certifying that,  
6 compared to the current system that can be purchased  
7 with Army Operation and Maintenance funds, the  
8 ultralightweight camouflage net system—

9 (1) is technically superior against multi-spectral  
10 threat sensors;

11 (2) is less costly per unit; and

12 (3) provides improved overall force protection.

13 SEC. 8142. (a) FORT IRWIN MILITARY LAND WITH-  
14 DRAWAL.—The provisions of title XXIX of H.R. 2586, as  
15 passed by the House of Representatives on September 25,  
16 2001 (entitled the Fort Irwin Military Land Withdrawal  
17 Act of 2001), are hereby enacted into law.

18 (b) PUBLICATION OF PROVISIONS ENACTED BY REF-  
19ERENCE.—In publishing this Act in slip form and in the  
20 United States Statutes at Large pursuant to section 112  
21 of title 1, United States Code, the Archivist of the United  
22 States shall include after the date of approval an appendix  
23 setting forth the text of the provisions referred to in sub-  
24 section (a).

1       SEC. 8143. Notwithstanding any other provision in  
2 this Act, the total amount appropriated in this Act for  
3 the Pentagon Reservation Maintenance Revolving Fund,  
4 including standard real property operations is hereby re-  
5 duced by \$333,000,000, to be distributed as follows:

6           “Operation and Maintenance, Army”,  
7       \$114,270,000;

8           “Operation and Maintenance, Navy”,  
9       \$50,320,000;

10          “Operation and Maintenance, Air Force”,  
11       \$62,180,000;

12          “Operation and Maintenance, Defense-Wide”,  
13       \$102,120,000; and

14          “Research, Development, Test and Evaluation,  
15       Ballistic Missile Defense Organization”, \$4,110,000.

16       SEC. 8144. (a) FUNDING REDUCTION.—The amount  
17 appropriated in this Act for “Operation and Maintenance,  
18 Army” is hereby reduced by \$37,200,000 to reflect effi-  
19 ciencies in Army acquisition management practices.

20       (b) LIMITATIONS.—Effective 6 months after the date  
21 of enactment of this Act none of the funds made available  
22 by this Act may be used, directly or indirectly, for any  
23 of the following purposes:

24           (1) To support the accomplishment of Army ac-  
25       quisition systems management functions by military

1 or civilian personnel assigned to or employed by the  
2 Army Training and Doctrine Command.

3 (2) To accomplish Army acquisition system re-  
4 quirements determination functions, or analysis of  
5 alternatives functions, by military or civilian per-  
6 sonnel assigned to or employed by the Army Train-  
7 ing and Doctrine Command.

8 (3) To accomplish Army acquisition program  
9 management functions by military or civilian per-  
10 sonnel assigned to or employed by the Army Mate-  
11 rial Command.

12 (c) CIVILIAN PERSONNEL REDUCTIONS.—Pursuant  
13 to this section, the Secretary of the Army shall reduce the  
14 fiscal year end-strength number of civilian full-time equiv-  
15 alent employees performing Army acquisition functions by  
16 3 percent of the baseline number for each fiscal year from  
17 fiscal year 2002 through fiscal year 2006. For purposes  
18 of the preceding sentence, the term “baseline number”  
19 means the number of civilian full-time equivalent employ-  
20 ees performing Army acquisition functions as of the close  
21 of fiscal year 2001.

22 (d) REPORTS.—(1) The Secretary of the Army shall  
23 include with the fiscal year 2003 budget justification ma-  
24 terials for the Department of the Army information on—

1 (A) how personnel reductions required by sub-  
2 section (c) will be accomplished and how Army ac-  
3 quisition system and program management resources  
4 will be transferred to other Army elements by reason  
5 of those reductions; and

6 (B) any changes in Army policies to achieve  
7 compliance with the limitations in subsection (b).

8 (2) The Secretary shall include with the budget jus-  
9 tification materials for the Department of the Army for  
10 each of fiscal years 2004 through 2007 information on—

11 (A) how personnel reductions required by sub-  
12 section (c) have been accomplished to the date of the  
13 report and will be accomplished during the then-cur-  
14 rent fiscal year and thereafter; and

15 (B) how Army acquisition system and program  
16 management resources have been transferred, as of  
17 the date of the report, to other Army elements by  
18 reason of those reductions and how such resources  
19 will be transferred during the then-current fiscal  
20 year and thereafter to other Army elements by rea-  
21 son of those reductions, and each subsequent annual  
22 budget request.

23 SEC. 8145. (a) NON-PROFIT ARMY VENTURE CAP-  
24 ITAL CORPORATION.—Of the funds made available for  
25 “Research, Development, Test and Evaluation, Army”,

1 \$50,000,000 shall be available to the Secretary of the  
2 Army only for the purpose of funding a venture capital  
3 investment corporation established pursuant to section  
4 2371 of title 10 United States Code, to be derived as spec-  
5 ified in subsection (b).

6 (b) FUNDING.—The amount specified in subsection  
7 (a) shall be derived by reducing, on a pro rata basis, the  
8 following amounts: (1) Amounts made available to the  
9 Army for basic research and applied research, except for  
10 amounts for research projects designated as congressional  
11 special interest items; and (2) Amounts made available to  
12 the Army for research, development, test and evaluation  
13 relating to the Future Combat System.

14 SEC. 8146. Notwithstanding any other provision of  
15 law, in addition to amounts appropriated or otherwise  
16 made available in this Act, \$10,000,000 is hereby appro-  
17 priated to “Operation and Maintenance, Defense-Wide”  
18 only for facility improvements necessary to integrate the  
19 910th Airlift Wing and related activities at the Youngs-  
20 town-Warren Regional Airport into the military cargo net-  
21 work.

22 SEC. 8147. Notwithstanding any other provision of  
23 law, in addition to amounts appropriated or otherwise  
24 made available in this Act, \$10,000,000 is hereby appro-  
25 priated to “Operation and Maintenance, Defense-Wide”



1 only for facility improvements and equipment purchases  
2 necessary to augment the capabilities of local government  
3 emergency response units responsible for protection of the  
4 Pentagon Reservation to address emergency response defi-  
5 ciencies identified as a result of the attack on the Pen-  
6 tagon of September 11, 2001, and to provide additional  
7 capabilities to meet the terrorism threat: *Provided*, That  
8 the Secretary of Defense shall negotiate and establish an  
9 appropriate Federal share for facility improvements fi-  
10 nanced under this section prior to the expenditure of these  
11 funds.

12 SEC. 8148. Notwithstanding any other provision of  
13 law or regulation, the Secretary of Defense may exercise  
14 the provisions of 38 U.S.C. 7403(g) for occupations listed  
15 in 28 U.S.C. 7403(a)(2) as well as the following:

16 Pharmacists, Audiologists, and Dental Hygien-  
17 ists.

18 (A) The requirements of 38 U.S.C.  
19 7403(g)(1)(A) shall apply.

20 (B) The limitations of 38 U.S.C.  
21 7403(g)(1)(B) shall not apply.

22 SEC. 8149. (a) The Secretary of Defense may waive  
23 any requirement that the fiscal year 2001 Department of  
24 Defense financial statement include the accounts and as-  
25 sociated activities of the Department of the Army and the

1 Department of the Navy, to the extent that the Secretary  
2 determines necessary due to the effects of the terrorist at-  
3 tack on the Pentagon of September 11, 2001.

4 (b) If any accounts and associated activities of the  
5 Department of the Army or the Department of the Navy  
6 are excluded from the fiscal year 2001 Department of De-  
7 fense financial statement pursuant to subsection (a), the  
8 Secretary of Defense shall, as soon as practicable after  
9 March 1, 2002, prepare and submit to the Director of the  
10 Office of Management and Budget, a revised audited fi-  
11 nancial statement for fiscal year 2001 that includes all  
12 such accounts and activities.

13 (c) For purposes of this section, the term “fiscal year  
14 2001 Department of Defense financial statement” means  
15 the audited financial statement of the Department of De-  
16 fense for fiscal year 2001 required by section 3515 of title  
17 31, United States Code, to be submitted to the Director  
18 of the Office of Management and Budget not later than  
19 March 1, 2002.

20 SEC. 8150. None of the funds appropriated in this  
21 Act may be used to prepare a budget request for submis-  
22 sion to Congress by the Department of Defense for fiscal  
23 year 2003 that contains any proposal to acquire ships for  
24 the Department of the Navy through the use of incre-  
25 mental funding amounts or advanced appropriations. The

1 limitation against incremental funding does not apply to  
2 the specific shipbuilding programs that were funded on an  
3 incremental basis in fiscal year 2001.

4 SEC. 8151. In addition to amounts appropriated or  
5 otherwise made available elsewhere in this Act,  
6 \$20,000,000, to remain available until September 30,  
7 2004, is hereby appropriated to “Aircraft Procurement,  
8 Air Force”, only for the C-5 avionics modernization pro-  
9 gram.

10 SEC. 8152. In addition to amounts appropriated or  
11 otherwise made available elsewhere in this Act,  
12 \$10,000,000, to remain available until September 30,  
13 2003, is hereby appropriated to “Research, Development,  
14 Test and Evaluation, Air Force”, only for the agile combat  
15 support (IMITS) program.

16 SEC. 8153. In addition to amounts appropriated or  
17 otherwise made available elsewhere in this Act,  
18 \$6,000,000, to remain available until September 30, 2003,  
19 is hereby appropriated to “Research, Development, Test  
20 and Evaluation, Army”, only for laser vision correction de-  
21 vices for the Walter Reed Army Medical Center.

22 SEC. 8154. Notwithstanding any other provision of  
23 this Act, the Secretary of the Air Force may enter into  
24 a multiyear contract, or extend an existing multiyear con-  
25 tract, for the C-17 aircraft: *Provided*, That the authority

1 to enter into such a contract (or contract extension) may  
2 not be exercised until a period of not less than 30 days  
3 has elapsed after the date of the submission of a report  
4 under paragraph (4) of section 2306b(1) of title 10, United  
5 States Code: *Provided further*, That the authorities pro-  
6 vided in this section shall not be available until the Sec-  
7 retary of Defense submits to the congressional defense  
8 committees a certification that the applicable requirements  
9 under section 2306b of title 10, United States Code, and  
10 section 8008 of this Act with respect to such a contract  
11 (or contract extension) have been met.

12 SEC. 8155. Except as expressly provided otherwise,  
13 any reference in a provision of titles I through IX to “this  
14 Act” shall be treated as referring only to the provisions  
15 of this division.

16 SEC. 8156. Notwithstanding any other provision of  
17 law, of the funds appropriated in this Act under the head-  
18 ing “Operation and Maintenance, Defense-Wide”,  
19 \$1,680,500, to remain available until expended, is pro-  
20 vided only for payment of any expenses incurred after  
21 April 1, 2002 of the Commission on the Future of the  
22 United States Aerospace Industry pursuant to section  
23 1092(e)(1) of the Floyd D. Spence National Defense Au-  
24 thorization Act for Fiscal Year 2001 (as enacted by Public  
25 Law 106–398; 114 Stat. 165A–215).

1        SEC. 8157. Of the funds appropriated in this Act  
2 under the heading “Operation and Maintenance, Defense-  
3 Wide”, \$1,000,000, to remain available until expended,  
4 shall be made available to the Secretary of Defense, not-  
5 withstanding any other provision of law, only for a grant  
6 or grants to the Somerset County Board of Commissioners  
7 (in the Commonwealth of Pennsylvania), to design and  
8 construct a memorial (including operating and mainte-  
9 nance expenses for appropriate security measures to pro-  
10 tect the site) at the airplane crash site in Somerset Coun-  
11 ty, Pennsylvania honoring the brave men, women, and  
12 children who perished following a valiant struggle with ter-  
13 rorists aboard United Airlines Flight 93 on September 11,  
14 2001.

15        SEC. 8158. (a) None of the funds made available in  
16 this division may be used to purchase—

17            (1) steel; or

18            (2) equipment, products, or systems that are  
19 necessary to national security or national defense  
20 and that are made with steel, that is not melted and  
21 poured in the United States except in cases in which  
22 the steel required for the intended use is not melted  
23 and poured in the United States.

1       (b) Subsection (a) shall not apply with respect to a  
2 purchase that the Secretary of Defense determines is nec-  
3 essary for national security purposes.

4       SEC. 8159. (a) FINDINGS.—The Congress finds  
5 that—

6           (1) in times when our national security is  
7 threatened by possible attacks from foreign and do-  
8 mestic enemies, it is necessary that the United  
9 States have a sufficient supply of certain products  
10 that are essential for defending this Nation; and

11          (2) it has been the consistent intent of Con-  
12 gress that the Department of Defense, when pur-  
13 chasing items to support the Armed Forces, choose  
14 items that are wholly of domestic content and manu-  
15 facture, especially items identified as essential to our  
16 national defense.

17       (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19           (1) it is vital that the United States maintain  
20 a domestic manufacturing base for certain products  
21 necessary to national security, so that our Nation  
22 does not become reliant on foreign sources for such  
23 products and thereby vulnerable to disruptions in  
24 international trade; and

1           (2) in cases where such domestic manufacturing  
2       base is threatened, the United States should take ac-  
3       tion to preserve such manufacturing base.

4                               TITLE IX

5   COUNTER-TERRORISM AND DEFENSE AGAINST  
6       WEAPONS OF MASS DESTRUCTION

7   COUNTER-TERRORISM AND OPERATIONAL RESPONSE

8                               TRANSFER FUND

9                               (INCLUDING TRANSFER OF FUNDS)

10       For urgent enhancements to intelligence and military  
11   capabilities in order to prosecute Operation ENDURING  
12   FREEDOM; to discover, infiltrate, and deter terrorist  
13   groups; to protect against terrorist attacks that might em-  
14   ploy either conventional means or weapons of mass de-  
15   struction, and to prepare against the consequences of such  
16   attacks; to deny unauthorized users the opportunity to  
17   modify, steal, inappropriately disclose, or destroy sensitive  
18   military intelligence data or networks, and to accelerate  
19   improvements in information networks and operations,  
20   \$1,670,000,000, to remain available until expended, of  
21   which \$451,000,000 shall be made available to the Direc-  
22   tor of Central Intelligence, and of which \$1,219,000,000  
23   shall be made available to the Secretary of Defense: *Pro-*  
24   *vided*, That of the amounts made available under this  
25   heading for the Department of Defense, \$474,000,000 is

1 available only for improving chemical and biological de-  
2 fense capabilities of the Department of Defense: *Provided*  
3 *further*, That of the amounts made available under this  
4 heading for the Department of Defense, \$275,000,000 is  
5 available only for improving the effectiveness of Depart-  
6 ment of Defense and intelligence agency capabilities in the  
7 areas of information assurance, critical infrastructure pro-  
8 tection, and information operations: *Provided further*,  
9 That in order to carry out the specified purposes under  
10 this heading, funds made available under this heading may  
11 be transferred to any appropriation account otherwise en-  
12 acted by this Act: *Provided further*, That the funds trans-  
13 ferred shall be merged with and shall be available for the  
14 same purposes and for the same time period, as the appro-  
15 priation to which transferred: *Provided further*, That the  
16 transfer authority provided under this heading is in addi-  
17 tion to any other transfer authority available to the De-  
18 partment of Defense: *Provided further*, That upon a deter-  
19 mination that all or part of the funds transferred from  
20 this appropriation are excess for the purposes provided  
21 herein, such amounts may be transferred back to this ap-  
22 propriation: *Provided further*, That of the amounts pro-  
23 vided under this heading, \$10,000,000 shall be transferred  
24 to the Department of Justice, only for enhanced terrorism-  
25 related financial and money laundering investigation oper-



1 ations: *Provided further*, That notwithstanding any other  
2 provision of law, of the amounts provided under this head-  
3 ing, the Secretary of Defense is authorized to transfer  
4 \$70,000,000 to other activities of the Federal Govern-  
5 ment: *Provided further*, That within 90 days of enactment  
6 of this Act, the Secretary of Defense and the Director of  
7 Central Intelligence shall each provide to the Congress a  
8 classified report specifying the projects and accounts to  
9 which funds provided under this heading are to be trans-  
10 ferred.

11 FORMER SOVIET UNION THREAT REDUCTION

12 For assistance to the republics of the former Soviet  
13 Union, including assistance provided by contract or by  
14 grants, for facilitating the elimination and the safe and  
15 secure transportation and storage of nuclear, chemical and  
16 other weapons; for establishing programs to prevent the  
17 proliferation of weapons, weapons components, and weap-  
18 on-related technology and expertise; for programs relating  
19 to the training and support of defense and military per-  
20 sonnel for demilitarization and protection of weapons,  
21 weapons components and weapons technology and exper-  
22 tise, and for defense and military contacts, \$403,000,000,  
23 to remain available until September 30, 2004.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
20 BALLISTIC MISSILE DEFENSE ORGANIZATION  
21 (INCLUDING RESCISSION)

**HR 3338 RFS**

1 retary of Defense, pursuant to law; maintenance, rehabili-  
 2 tation, lease, and operation of facilities and equipment,  
 3 \$7,053,721,000, to remain available for obligation until  
 4 September 30, 2003: *Provided*, That for funds provided  
 5 under this heading the minimum amount applicable under  
 6 section 9(f)(1)(C) of the Small Business Act (15 U.S.C.  
 7 638(f)(1)(C)) shall be \$75,000,000 (in lieu of the amount  
 8 otherwise applicable under that section): *Provided further*,  
 9 That of the funds provided in the Department of Defense  
 10 Appropriations Act, 2001 (Public Law 106–259), the  
 11 amount of \$73,800,000 is hereby rescinded from the  
 12 “Procurement, Defense-Wide, 2001/2003” account.

13       DEFENSE AGAINST CHEMICAL AND BIOLOGICAL  
 14                       WEAPONS, DEFENSE-WIDE

15       For expenses, not otherwise provided for, for chem-  
 16 ical and biological weapon defense programs of the De-  
 17 partment of Defense, as authorized by law,  
 18 \$1,065,940,000, of which \$363,709,000 shall be for Pro-  
 19 curement, to remain available for obligation until Sep-  
 20 tember 30, 2004, and \$702,231,000 shall be for Research,  
 21 Development, Test and Evaluation, to remain available for  
 22 obligation until September 30, 2003.

23       DEFENSE THREAT REDUCTION AGENCY

24       For expenses, not otherwise provided for, for the De-  
 25 fense Threat Reduction Agency of the Department of De-

1 fense, as authorized by law, \$806,471,000, of which  
2 \$305,393,000 shall be for Operation and Maintenance, of  
3 which \$50,000,000 shall be available only to initiate a  
4 multi-year demonstration program at four military instal-  
5 lations to install, operate, and evaluate a network of sen-  
6 sors to protect installations against unconventional nu-  
7 clear threats in accordance with the deployment rec-  
8 ommendations of the Defense Science Board Task Force  
9 on Unconventional Nuclear Warfare Defense;  
10 \$20,325,000 shall be for Procurement, to remain available  
11 for obligation until September 30, 2004; and  
12 \$480,753,000 shall be for Research, Development, Test  
13 and Evaluation to remain available for obligation until  
14 September 30, 2003, of which \$25,000,000 shall be avail-  
15 able only for research and development of systems to sup-  
16 port the protection of military installations against uncon-  
17 ventional nuclear threats in accordance with the rec-  
18 ommendations of the Defense Science Board Task Force  
19 on Unconventional Nuclear Warfare Defense.

20 This division may be cited as the “Department of De-  
21 fense Appropriations Act, 2002”.

## 22 DIVISION B—FISCAL YEAR 2002

### 23 SUPPLEMENTAL APPROPRIATIONS

24 The following sums are appropriated, out of any  
25 money in the Treasury not otherwise appropriated, for the

1 fiscal year ending September 30, 2002, and for other pur-  
2 poses, namely:

3 CHAPTER 1

4 DEPARTMENT OF AGRICULTURE

5 OFFICE OF THE SECRETARY

6 For emergency expenses to respond to the September  
7 11, 2001, terrorist attacks on the United States, for “Of-  
8 fice of the Secretary”, \$4,582,000, to remain available  
9 until expended, to be obligated from amounts made avail-  
10 able in Public Law 107–38.

11 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL  
12 PAYMENTS

13 For emergency expenses to respond to the September  
14 11, 2001, terrorist attacks on the United States, for “Ag-  
15 riculture Buildings and Facilities and Rental Payments”,  
16 \$2,875,000, to remain available until expended, to be obli-  
17 gated from amounts made available in Public Law 107–  
18 38.

19 AGRICULTURAL RESEARCH SERVICE

20 SALARIES AND EXPENSES

21 For emergency expenses to respond to the September  
22 11, 2001, terrorist attacks on the United States, for “Sal-  
23 aries and Expenses”, \$5,635,000, to remain available  
24 until expended, to be obligated from amounts made avail-  
25 able in Public Law 107–38.

## 1     ANIMAL AND PLANT HEALTH INSPECTION SERVICE

## 2                     SALARIES AND EXPENSES

3         For emergency expenses to respond to the September  
4 11, 2001, terrorist attacks on the United States, for “Sal-  
5 aries and Expenses”, \$8,175,000, to remain available  
6 until expended, to be obligated from amounts made avail-  
7 able in Public Law 107–38.

## 8                     BUILDINGS AND FACILITIES

9         For emergency expenses to respond to the September  
10 11, 2001, terrorist attacks on the United States, for  
11 “Buildings and Facilities”, \$14,081,000, to remain avail-  
12 able until expended, to be obligated from amounts made  
13 available in Public Law 107–38.

## 14                    FOOD SAFETY AND INSPECTION SERVICE

15         For emergency expenses to respond to the September  
16 11, 2001, terrorist attacks on the United States, for  
17 “Food Safety and Inspection Service”, \$9,800,000, to re-  
18 main available until expended, to be obligated from  
19 amounts made available in Public Law 107–38.

20                    DEPARTMENT OF HEALTH AND HUMAN  
21                             SERVICES

## 22                             FOOD AND DRUG ADMINISTRATION

## 23                                 SALARIES AND EXPENSES

24         For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, and for  
26 other expenses necessary to support activities related to

1 countering potential biological, disease, and chemical  
2 threats to civilian populations, for “Food and Drug Ad-  
3 ministration, Salaries and Expenses”, \$104,350,000, to  
4 remain available until expended, to be obligated from  
5 amounts made available in Public Law 107–38.

6 INDEPENDENT AGENCIES

7 COMMODITY FUTURES TRADING COMMISSION

8 For emergency expenses to respond to the September  
9 11, 2001, terrorist attacks on the United States, for  
10 “Commodity Futures Trading Commission”, \$6,495,000,  
11 to remain available until expended, to be obligated from  
12 amounts made available in Public Law 107–38.

13 CHAPTER 2

14 DEPARTMENT OF JUSTICE

15 GENERAL ADMINISTRATION

16 ADMINISTRATIVE REVIEW AND APPEALS

17 For emergency expenses to respond to the September  
18 11, 2001, terrorist attacks on the United States, for “Ad-  
19 ministrative Review and Appeals”, \$3,500,000, to remain  
20 available until expended, to be obligated from amounts  
21 made available in Public Law 107–38.

22 LEGAL ACTIVITIES

23 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

24 For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, for “Sal-

aries and Expenses, General Legal Activities”,  
\$12,500,000, to remain available until expended, to be ob-  
ligated from amounts made available in Public Law 107–  
38.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September  
11, 2001, terrorist attacks on the United States, for “Sal-  
aries and Expenses, United States Attorneys”,  
\$68,450,000, to remain available until expended, to be ob-  
ligated from amounts made available in Public Law 107–  
38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS

SERVICE

For emergency expenses to respond to the September  
11, 2001, terrorist attacks on the United States, for “Sal-  
aries and Expenses, United States Marshals Service”,  
\$11,100,000, to remain available until expended, to be ob-  
ligated from amounts made available in Public Law 107–  
38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September  
11, 2001, terrorist attacks on the United States, for “Sal-  
aries and Expenses”, \$538,500,000, to remain available  
until expended, to be obligated from amounts made avail-  
able in Public Law 107–38.



## 1           IMMIGRATION AND NATURALIZATION SERVICE

## 2                           SALARIES AND EXPENSES

## 3                           ENFORCEMENT AND BORDER AFFAIRS

4           For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States, for “Sal-  
6 aries and Expenses”, \$409,600,000, to remain available  
7 until expended, to be obligated from amounts made avail-  
8 able in Public Law 107–38.

## 9                           OFFICE OF JUSTICE PROGRAMS

## 10                           JUSTICE ASSISTANCE

11          For emergency expenses to respond to the September  
12 11, 2001, terrorist attacks on the United States, for “Jus-  
13 tice Assistance”, \$400,000,000, to remain available until  
14 expended, to be obligated from amounts made available  
15 in Public Law 107–38, of which \$45,000,000 is for emer-  
16 gency response communications technologies and equip-  
17 ment for Northern Virginia, \$20,000,000 is for the Cap-  
18 itol Wireless Integrated Network in the Washington Met-  
19 ropolitan Area, \$15,000,000 is for a chemical sensor pro-  
20 gram within the Washington, D.C. subway system, and  
21 \$9,800,000 is for an aircraft for counterterrorism and  
22 other required activities for the City of New York.

## 23                           STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

24          For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, for  
26 “State and Local Law Enforcement Assistance”,

1 \$17,100,000, to remain available until expended, to be ob-  
2 ligated from amounts made available in Public Law 107-  
3 38.

4 CRIME VICTIMS FUND

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for  
7 “Crime Victims Fund”, \$68,100,000, to remain available  
8 until expended, to be obligated from amounts made avail-  
9 able in Public Law 107-38.

10 DEPARTMENT OF COMMERCE

11 INTERNATIONAL TRADE ADMINISTRATION

12 OPERATIONS AND ADMINISTRATION

13 For emergency expenses to respond to the September  
14 11, 2001, terrorist attacks on the United States, for “Op-  
15 erations and Administration”, \$750,000, to remain avail-  
16 able until expended, to be obligated from amounts made  
17 available in Public Law 107-38.

18 EXPORT ADMINISTRATION

19 OPERATIONS AND ADMINISTRATION

20 For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for “Op-  
22 erations and Administration”, \$1,756,000, to remain  
23 available until expended, to be obligated from amounts  
24 made available in Public Law 107-38.

1 NATIONAL TELECOMMUNICATIONS AND INFORMATION  
2 ADMINISTRATION

3 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
4 AND CONSTRUCTION

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for  
7 “Public Telecommunications Facilities, Planning and Con-  
8 struction”, \$8,250,000, to remain available until ex-  
9 pended, to be obligated from amounts made available in  
10 Public Law 107–38: *Provided*, That matching require-  
11 ments set forth in section 392(b) of the Communications  
12 Act of 1934, as amended, shall not apply to funds pro-  
13 vided in this Act.

14 NATIONAL OCEANIC AND ATMOSPHERIC  
15 ADMINISTRATION  
16 OPERATIONS, RESEARCH, AND FACILITIES

17 For emergency expenses to respond to the September  
18 11, 2001, terrorist attacks on the United States, for “Op-  
19 erations, Research, and Facilities”, \$750,000, to remain  
20 available until expended, to be obligated from amounts  
21 made available in Public Law 107–38.

22 DEPARTMENTAL MANAGEMENT  
23 SALARIES AND EXPENSES

24 For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, for “Sal-

aries and Expenses”, \$8,636,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

## THE JUDICIARY

### SUPREME COURT OF THE UNITED STATES

#### CARE OF THE BUILDING AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Care of the Building and Ground”, \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

#### JUDICIAL SERVICES

#### COURT SECURITY

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for “Court Security”, \$21,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service, to remain available until expended: *Provided further*, That \$4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit.

1       DEPARTMENT OF STATE AND RELATED  
2                   AGENCY  
3                   RELATED AGENCY

4               BROADCASTING BOARD OF GOVERNORS  
5               INTERNATIONAL BROADCASTING OPERATIONS

6       For emergency expenses to respond to the September  
7 11, 2001, terrorist attacks on the United States, for  
8 “International Broadcasting Operations”, \$9,200,000, to  
9 remain available until expended, to be obligated from  
10 amounts made available in Public Law 107–38.

11              BROADCASTING CAPITAL IMPROVEMENTS

12       For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for  
14 “Broadcasting Capital Improvements”, \$10,000,000, to  
15 remain available until expended, to be obligated from  
16 amounts made available in Public Law 107–38.

17              RELATED AGENCIES

18       EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

19              SALARIES AND EXPENSES

20       For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for “Sal-  
22 aries and Expenses,” \$1,301,000, to remain available  
23 until expended, to be obligated from amounts made avail-  
24 able in Public Law 107–38.

## 1           SECURITIES AND EXCHANGE COMMISSION

## 2                           SALARIES AND EXPENSES

3           For emergency expenses to respond to the September  
4 11, 2001, terrorist attacks on the United States, for “Sal-  
5 aries and Expenses”, \$20,705,000, to remain available  
6 until expended, to be obligated from amounts made avail-  
7 able in Public Law 107–38.

## 8                           SMALL BUSINESS ADMINISTRATION

## 9                           DISASTER LOANS PROGRAM ACCOUNT

10          For emergency expenses to respond to the September  
11 11, 2001, terrorist attacks on the United States, for “Dis-  
12 aster Loans Program Account”, \$140,000,000, to remain  
13 available until expended, to be obligated from amounts  
14 available in Public Law 107–38.

## 15          GENERAL PROVISIONS—THIS CHAPTER

16          SEC. 201. Funds appropriated by this Act for the  
17 Broadcasting Board of Governors and the Department of  
18 State may be obligated and expended notwithstanding sec-  
19 tion 313 of the Foreign Relations Authorization Act, Fis-  
20 cal Years 1994 and 1995, and section 15 of the State De-  
21 partment Basic Authorities Act of 1956, as amended.

1 CHAPTER 3  
2 DEPARTMENT OF DEFENSE—MILITARY  
3 OPERATION AND MAINTENANCE  
4 DEFENSE EMERGENCY RESPONSE FUND  
5 (INCLUDING TRANSFER OF FUNDS)  
6 For emergency expenses to respond to the September  
7 11, 2001, terrorist attacks on the United States, for “De-  
8 fense Emergency Response Fund”, \$7,242,911,000, to re-  
9 main available until expended, to be obligated from  
10 amounts made available in Public Law 107–38, as follows:  
11 (1) For increased situational awareness,  
12 \$1,735,000,000;  
13 (2) For enhanced force protection,  
14 \$742,911,000, of which \$40,000,000 shall be avail-  
15 able only for biological weapons proliferation preven-  
16 tion activities under the Former Soviet Union  
17 Threat Reduction Program, of which \$30,000,000  
18 shall be transferred to “Department of State, Non-  
19 proliferation, Anti-terrorism, Demining, and Related  
20 Programs” only for the purpose of supporting ex-  
21 pansion of the Biological Weapons Redirect and  
22 International Science and Technology Centers pro-  
23 grams, to prevent former Soviet biological weapons  
24 experts from emigrating to proliferant states and to

1 reconfigure former Soviet biological weapons produc-  
2 tion facilities for peaceful uses;

3 (3) For improved command and control,  
4 \$162,000,000;

5 (4) For increased worldwide posture,  
6 \$2,801,000,000;

7 (5) For offensive counterterrorism,  
8 \$769,000,000, of which \$237,000,000 is for the  
9 Special Operations Command;

10 (6) For initial crisis response, \$108,000,000;

11 (7) For the Pentagon Reservation Maintenance  
12 Revolving Fund, \$925,000,000:

13 *Provided*, That none of the funds provided under this  
14 heading in this chapter may be used for appropriations  
15 for military construction and military family housing.

16 GENERAL PROVISIONS—THIS CHAPTER

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 301. Amounts available in the “Defense Emer-  
19 gency Response Fund” (the “Fund”) shall be available for  
20 the purposes set forth in the 2001 Emergency Supple-  
21 mental Appropriations Act for Recovery from and Re-  
22 sponse to Terrorist Attacks on the United States (Public  
23 Law 107–38): *Provided*, That the Fund may be used to  
24 reimburse other appropriations or funds of the Depart-  
25 ment of Defense, including activities of the National For-



1 eign Intelligence Program funded in defense appropria-  
2 tions acts, only for costs incurred for such purposes on  
3 or after September 11, 2001: *Provided further*, That the  
4 Fund may be used to liquidate obligations incurred by the  
5 Department of Defense under the authorities in section  
6 3732 of the Revised Statutes (41 U.S.C. 11; popularly  
7 known as the “Food and Forage Act”) for any costs in-  
8 curred for such purposes between September 11 and Sep-  
9 tember 30, 2001: *Provided further*, That the Secretary of  
10 Defense may transfer to the Fund amounts from any cur-  
11 rent appropriation made available in defense appropria-  
12 tions acts, only for the purpose of adjusting and liqui-  
13 dating obligations properly chargeable to the Fund: *Pro-*  
14 *vided further*, That the authority granted in the preceding  
15 proviso shall only be exercised after the Secretary of De-  
16 fense makes a determination that amounts in the Fund  
17 are insufficient to liquidate obligations made using appro-  
18 priations in the Fund, and not prior to 30 days after noti-  
19 fying the congressional defense committees in writing re-  
20 garding each proposed transfer of funds: *Provided further*,  
21 That in order to carry out the specified purposes under  
22 this heading, the Secretary of Defense may transfer funds  
23 from the Fund to any defense appropriation account en-  
24 acted in appropriations acts, including “Support for Inter-  
25 national Sporting Competitions, Defense”: *Provided fur-*

1 *ther*, That the funds transferred shall be merged with and  
 2 shall be available for the same purposes and for the same  
 3 time period as the appropriation to which transferred:  
 4 *Provided further*, That the transfer authority provided  
 5 under this heading is in addition to any other transfer au-  
 6 thority available to the Department of Defense: *Provided*  
 7 *further*, That within 30 days of enactment of this Act, and  
 8 quarterly thereafter, the Secretary of Defense and the Di-  
 9 rector of Central Intelligence shall each provide to the  
 10 Congress a report (in unclassified and classified form, as  
 11 needed) specifying the projects and accounts to which  
 12 funds provided in this chapter are to be transferred.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 302. During the current fiscal year, amounts  
 15 in or credited to the Defense Cooperation Account under  
 16 10 U.S.C. 2608(b) are hereby appropriated and shall be  
 17 available for transfer by the Secretary of Defense to such  
 18 appropriations or funds of the Department of Defense as  
 19 he shall determine, to be merged with and be available  
 20 for the same purposes and the same time period as the  
 21 appropriation to which transferred: *Provided*, That the  
 22 Secretary shall provide written notification to the congres-  
 23 sional defense committees 30 days prior to such transfer:  
 24 *Provided further*, That the transfer authority provided  
 25 under this heading is in addition to any other transfer au-  
 26 thority available to the Department of Defense: *Provided*

1 *further*, That these amounts are designated by the Con-  
2 gress as an emergency requirement pursuant to section  
3 251(b)(2)(A) of the Balanced Budget and Emergency  
4 Deficit Control Act of 1985, as amended: *Provided further*,  
5 That the Secretary of Defense shall report to the Congress  
6 quarterly on all obligations made pursuant to this author-  
7 ity.

8       SEC. 303. (a) Amounts in the appropriation account  
9 “Support for International Sporting Competitions, De-  
10 fense” may be used to support essential security and safe-  
11 ty services for the 2002 Winter Olympic Games in Salt  
12 Lake City, Utah, under section 2564 of title 10, United  
13 States Code, without the certification otherwise required  
14 under subsection (a) of that section.

15       (b) In connection with the provision of essential secu-  
16 rity and safety support to the 2002 Winter Olympic  
17 Games and logistical and security support to the 2002  
18 Winter Paralympic Games, the term “active duty” as used  
19 in section 5802 of division A of the Omnibus Consolidated  
20 Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be  
21 treated as including State active duty and full-time Na-  
22 tional Guard duty performed by members of the Army Na-  
23 tional Guard and Air National Guard.

24       SEC. 304. Funds appropriated by this Act, or made  
25 available by the transfer of funds in this Act, for intel-

1   ligence activities are deemed to be specifically authorized  
2   by the Congress for purposes of section 504 of the Na-  
3   tional Security Act of 1947 (50 U.S.C. 414).

4       SEC. 305. For the purposes of this Act, the term  
5   “congressional defense committees” means the Armed  
6   Services Committee of the House of Representatives, the  
7   Armed Services Committee of the Senate, the Sub-  
8   committee on Defense of the Committee on Appropriations  
9   of the Senate, and the Subcommittee on Defense of the  
10   Committee on Appropriations of the House of Representa-  
11   tives.

## 12                                   CHAPTER 4

### 13                           DISTRICT OF COLUMBIA

#### 14                           FEDERAL FUNDS

15       For emergency expenses to respond to the September  
16   11, 2001, terrorist attacks on the United States, for a  
17   Federal payment to the District of Columbia for Protec-  
18   tive Clothing and Breathing Apparatus, to be obligated  
19   from amounts made available in Public Law 107–38 and  
20   to remain available until expended, \$12,144,209, of which  
21   \$921,833 is for the Fire and Emergency Medical Services  
22   Department, \$4,269,000 is for the Metropolitan Police  
23   Department, \$1,500,000 is for the Department of Health,  
24   \$453,376 is for the Department of Public Works, and

1 \$5,000,000 is for the Washington Metropolitan Area  
2 Transit Authority.

3 For emergency expenses to respond to the September  
4 11, 2001, terrorist attacks on the United States, for a  
5 Federal payment to the District of Columbia for Special-  
6 ized Hazardous Materials Equipment, to be obligated from  
7 amounts made available in Public Law 107–38 and to re-  
8 main available until expended, \$1,032,342, for the Fire  
9 and Emergency Medical Services Department.

10 For emergency expenses to respond to the September  
11 11, 2001, terrorist attacks on the United States, for a  
12 Federal payment to the District of Columbia for Chemical  
13 and Biological Weapons Preparedness, to be obligated  
14 from amounts made available in Public Law 107–38 and  
15 to remain available until expended, \$10,354,415, of which  
16 \$204,920 is for the Fire and Emergency Medical Services  
17 Department, \$258,170 is for the Metropolitan Policy De-  
18 partment, and \$9,891,325 is for the Department of  
19 Health.

20 For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for a  
22 Federal payment to the District of Columbia for Pharma-  
23 ceuticals for Responders, to be obligated from amounts  
24 made available in Public Law 107–38 and to remain avail-

1 able until expended, \$2,100,000, for the Department of  
2 Health.

3 Notwithstanding any other provision of law, all  
4 amounts under this heading shall be apportioned quarterly  
5 by the Office of Management and Budget. The Chief fi-  
6 nancial Officer of the District of Columbia shall provide  
7 quarterly reports to the President and the Committees on  
8 Appropriations of the Senate and the House of Represent-  
9 atives on the use of the funds under this heading begin-  
10 ning no later than January 2, 2002.

## 11 DISTRICT OF COLUMBIA FUNDS

### 12 DIVISION OF EXPENSES

13 The following amounts are appropriated for the Dis-  
14 trict of Columbia for the current fiscal year out of the  
15 general fund of the District of Columbia and shall remain  
16 available until expended.

17 For Protective Clothing and Breathing Apparatus, to  
18 remain available until expended, \$12,144,209, of which  
19 \$921,833 is for the Fire and Emergency Medical Services  
20 Department, \$4,269,000 is for the Metropolitan Police  
21 Department, \$1,500,000 is for the Department of Health,  
22 \$453,376 is for the Department of Public Works, and  
23 \$5,000,000 is for the Washington Metropolitan Area  
24 Transit Authority.

1 For Specialized Hazardous Materials Equipment, to  
2 remain available until expended, \$1,032,342, for the Fire  
3 and Emergency Medical Services Department.

4 For Chemical and Biological Weapons Preparedness,  
5 to remain available until expended, \$10,354,415, of which  
6 \$204,920 is for the Fire and Emergency Medical Services  
7 Department, \$258,170 is for the Metropolitan Police De-  
8 partment, and \$9,891,325 is for the Department of  
9 Health.

10 For Pharmaceuticals for Responders, to remain avail-  
11 able until expended, \$2,100,000, for the Department of  
12 Health.

## 13 CHAPTER 5

### 14 DEPARTMENT OF DEFENSE—CIVIL

#### 15 CORPS OF ENGINEERS—CIVIL

#### 16 OPERATION AND MAINTENANCE, GENERAL

17 For emergency expenses to respond to the September  
18 11, 2001, terrorist attacks on the United States, for “Op-  
19 eration and Maintenance, General” \$139,000,000, to re-  
20 main available until expended, to be obligated from  
21 amounts made available in Public Law 107–38.

## 1 DEPARTMENT OF THE INTERIOR

## 2 BUREAU OF RECLAMATION

## 3 WATER AND RELATED RESOURCES

4 For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States, for  
6 “Water and Related Resources”, \$30,259,000, to remain  
7 available until expended, to be obligated from amounts  
8 made available in Public Law 107–38.

## 9 DEPARTMENT OF ENERGY

## 10 NATIONAL NUCLEAR SECURITY ADMINISTRATION

## 11 WEAPONS ACTIVITIES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, and for  
14 other expenses to increase the security of the Nation’s nu-  
15 clear weapons complex, for “Weapons Activities”,  
16 \$88,000,000, to remain available until expended, to be ob-  
17 ligated from amounts made available in Public Law 107–  
18 38.

## 19 DEFENSE NUCLEAR NONPROLIFERATION

20 For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, and for  
22 other expenses to increase the security of the Nation’s nu-  
23 clear weapons complex, for “Defense Nuclear Non-  
24 proliferation”, \$18,000,000, to remain available until ex-  
25 pended, to be obligated from amounts made available in  
26 Public Law 107–38.



1 ENVIRONMENTAL AND OTHER DEFENSE  
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE  
4 MANAGEMENT

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for “De-  
7 fense Environmental Restoration and Waste Manage-  
8 ment”, \$8,200,000, to remain available until expended, to  
9 be obligated from amounts made available in Public Law  
10 107–38.

11 OTHER DEFENSE ACTIVITIES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, and for  
14 other expenses necessary to support activities related to  
15 countering potential biological threats to civilian popu-  
16 lations, for “Other Defense Activities”, \$3,500,000, to re-  
17 main available until expended, to be obligated from  
18 amounts made available in Public Law 107–38.

19 CHAPTER 6

20 DEPARTMENT OF THE INTERIOR

21 NATIONAL PARK SERVICE

22 OPERATION OF THE NATIONAL PARK SYSTEM

23 For emergency expenses to respond to the September  
24 11, 2001, terrorist attacks on the United States for “Op-  
25 eration of the National Park System”, \$10,098,000, to re-

1 main available until expended, to be obligated from  
2 amounts made available in Public Law 107–38.

3 UNITED STATES PARK POLICE

4 For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States for the  
6 “United States Park Police”, \$25,295,000, to remain  
7 available until expended, to be obligated from amounts  
8 made available in Public Law 107–38.

9 CONSTRUCTION

10 For emergency expenses to respond to the September  
11 11, 2001, terrorist attacks on the United States for “Con-  
12 struction”, \$21,624,000, to remain available until ex-  
13 pended, to be obligated from amounts made available in  
14 Public Law 107–38.

15 DEPARTMENTAL OFFICES

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 For emergency expenses to respond to the September  
19 11, 2001, terrorist attacks on the United States for “Sala-  
20 ries and Expenses”, \$2,205,000, to remain available until  
21 expended, to be obligated from amounts made available  
22 in Public Law 107–38, for the working capital fund of  
23 the Department of the Interior.

## 1 OTHER RELATED AGENCIES

## 2 SMITHSONIAN INSTITUTION

## 3 SALARIES AND EXPENSES

4 For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States for “Sala-  
6 ries and Expenses” of the Smithsonian Institution,  
7 \$21,707,000, to remain available until expended, to be ob-  
8 ligated from amounts made available in Public Law 107–  
9 38.

## 10 NATIONAL GALLERY OF ART

## 11 SALARIES AND EXPENSES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States for “Sala-  
14 ries and Expenses” of the National Gallery of Art,  
15 \$2,148,000, to remain available until expended, to be obli-  
16 gated from amounts made available in Public Law 107–  
17 38.

## 18 JOHN F. KENNEDY CENTER FOR THE

## 19 PERFORMING ARTS

## 20 OPERATIONS AND MAINTENANCE

21 For emergency expenses to respond to the September  
22 11, 2001, terrorist attacks on the United States for “Op-  
23 erations and Maintenance” of the John F. Kennedy Cen-  
24 ter for the Performing Arts, \$4,310,000, to remain avail-

1 able until expended, to be obligated from amounts made  
2 available in Public Law 107–38.

3 NATIONAL CAPITAL PLANNING COMMISSION

4 SALARIES AND EXPENSES

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States for “Sala-  
7 ries and Expenses” of the National Capital Planning Com-  
8 mission, \$758,000, to be obligated from amounts made  
9 available in Public Law 107–38.

10 CHAPTER 7

11 DEPARTMENT OF LABOR

12 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

13 SERVICE OPERATIONS

14 For emergency expenses to respond to the September  
15 11, 2001, terrorist attacks on the United States, for  
16 “State Unemployment Insurance and Employment Service  
17 Operations”, \$4,100,000, to remain available until ex-  
18 pended, to be obligated from amounts made available in  
19 Public Law 107–38.

20 PENSION AND WELFARE BENEFITS ADMINISTRATION

21 SALARIES AND EXPENSES

22 For emergency expenses to respond to the September  
23 11, 2001, terrorist attacks on the United States for “Sala-  
24 ries and Expenses”, \$1,600,000, to remain available until

1 expended, to be obligated from amounts made available  
2 in Public Law 107–38.

3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
4 SALARIES AND EXPENSES

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for “Sal-  
7 aries and Expenses”, \$1,000,000, to remain available  
8 until expended, to be obligated from amounts made avail-  
9 able in Public Law 107–38.

10 DEPARTMENTAL MANAGEMENT  
11 SALARIES AND EXPENSES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for “Sal-  
14 aries and Expenses”, \$5,880,000, to remain available  
15 until expended, to be obligated from amounts made avail-  
16 able in Public Law 107–38.

17 DEPARTMENT OF HEALTH AND HUMAN  
18 SERVICES

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY  
20 FUND

21 For emergency expenses to respond to the September  
22 11, 2001, terrorist attacks on the United States, and for  
23 other expenses necessary to support activities related to  
24 countering potential biological, disease, and chemical  
25 threats to civilian populations, for “Public Health and So-

1 cial Services Emergency Fund”, \$1,990,600,000 (reduced  
2 by \$100,000,000) (increased by \$100,000,000), to remain  
3 available until expended, to be obligated from amounts  
4 made available in Public Law 107–38.

5 DEPARTMENT OF EDUCATION

6 SCHOOL IMPROVEMENT PROGRAMS

7 For emergency expenses to provide education-related  
8 services to local educational agencies in which the learning  
9 environment has been disrupted due to a violent or trau-  
10 matic crisis, for the Project School Emergency Response  
11 to Violence program, \$10,000,000, to remain available  
12 until expended, and to be obligated from amounts made  
13 available in Public Law 107–38.

14 RELATED AGENCIES

15 NATIONAL LABOR RELATIONS BOARD

16 SALARIES AND EXPENSES

17 For emergency expenses to respond to the September  
18 11, 2001, terrorist attacks on the United States, for “Sal-  
19 aries and Expenses”, \$180,000, to remain available until  
20 expended, to be obligated from amounts made available  
21 in Public Law 107–38.

22 SOCIAL SECURITY ADMINISTRATION

23 LIMITATION ON ADMINISTRATIVE EXPENSES

24 For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, for

1 “Limitation on Administrative Expenses”, \$7,500,000, to  
2 remain available until expended, to be obligated from  
3 amounts made available in Public Law 107–38.

## 4 CHAPTER 8

### 5 LEGISLATIVE BRANCH

#### 6 LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

##### 7 (INCLUDING TRANSFER OF FUNDS)

8 For emergency expenses to respond to the September  
9 11, 2001, terrorist attacks on the United States,  
10 \$256,081,000 to remain available until expended, to be  
11 derived from the Emergency Response Fund established  
12 by Public Law 107–38: *Provided*, That \$34,500,000 shall  
13 be transferred to “SENATE—Sergeant at Arms and  
14 Doorkeeper of the Senate” and shall be obligated with  
15 prior notification to the Committee on Appropriations of  
16 the Senate: *Provided further*, That \$40,712,000 shall be  
17 transferred to “HOUSE OF REPRESENTATIVES—  
18 Salaries and Expenses” and shall be obligated with prior  
19 notification to the Committee on Appropriations of the  
20 House of Representatives: *Provided further*, That  
21 \$1,000,000 shall be transferred as a grant to the United  
22 States Capitol Historical Society: *Provided further*, That  
23 the remaining balance of \$179,869,000, together with any  
24 other amounts provided to any entity in the legislative  
25 branch which are derived from the Emergency Response

1 Fund established by Public Law 107–38 and which re-  
2 main unobligated as of the date of the enactment of this  
3 Act (other than any amounts provided to the House of  
4 Representatives or Senate), shall be transferred to the  
5 Capitol Police Board, who shall transfer to the affected  
6 entities of the legislative branch such amounts as the Cap-  
7 itol Police Board considers appropriate, with prior notifi-  
8 cation to the Committees on Appropriations of the House  
9 of Representatives and Senate.

## 10 HOUSE OF REPRESENTATIVES

### 11 ADMINISTRATIVE PROVISIONS

12 SEC. 801. (a) ACQUISITION OF BUILDINGS AND FA-  
13 CILITIES.—Notwithstanding any other provision of law, in  
14 order to respond to an emergency situation, the Chief Ad-  
15 ministrative Officer of the House of Representatives may  
16 acquire buildings and facilities, subject to the availability  
17 of appropriations, for the use of the House of Representa-  
18 tives by lease, purchase, or such other arrangement as the  
19 Chief Administrative Officer considers appropriate (in-  
20 cluding a memorandum of understanding with the head  
21 of an Executive Agency, as defined in section 105 of title  
22 5, United States Code, in the case of a building or facility  
23 under the control of such Agency), subject to the approval  
24 of the House Office Building Commission.



1 (b) AGREEMENTS.—Notwithstanding any other pro-  
2 vision of law, for purposes of carrying out subsection (a),  
3 the Chief Administrative Officer may carry out such ac-  
4 tivities and enter into such agreements related to the use  
5 of any building or facility acquired pursuant to such sub-  
6 section as the Chief Administrative Officer considers ap-  
7 propriate, including—

8 (1) agreements with the United States Capitol  
9 Police or any other entity relating to the policing of  
10 such building or facility; and

11 (2) agreements with the Architect of the Cap-  
12 itol or any other entity relating to the care and  
13 maintenance of such building or facility.

14 (c) AUTHORITY OF CAPITOL POLICE AND ARCHI-  
15 TECT.—

16 (1) ARCHITECT OF THE CAPITOL.—Notwith-  
17 standing any other provision of law, the Architect of  
18 the Capitol may take any action necessary to carry  
19 out an agreement entered into with the Chief Ad-  
20 ministrative Officer pursuant to subsection (b).

21 (2) CAPITOL POLICE.—Section 9 of the Act of  
22 July 31, 1946 (40 U.S.C. 212a) is amended—

23 (A) by striking “The Capitol Police” and  
24 inserting “(a) The Capitol Police”; and

1 (B) by adding at the end the following new  
2 subsection:

3 “(b) For purposes of this section, ‘the United States  
4 Capitol Buildings and Grounds’ shall include any building  
5 or facility acquired by the Chief Administrative Officer of  
6 the House of Representatives for the use of the House  
7 of Representatives for which the Chief Administrative Of-  
8 ficer has entered into an agreement with the United States  
9 Capitol Police for the policing of the building or facility.”.

10 (d) TRANSFER OF CERTAIN FUNDS.—Subject to the  
11 approval of the Committee on Appropriations of the House  
12 of Representatives, the Architect of the Capitol may trans-  
13 fer to the Chief Administrative Officer amounts made  
14 available to the Architect for necessary expenses for the  
15 maintenance, care and operation of the House office build-  
16 ings during a fiscal year in order to cover any portion of  
17 the costs incurred by the Chief Administrative Officer dur-  
18 ing the year in acquiring a building or facility pursuant  
19 to subsection (a).

20 (e) EFFECTIVE DATE.—This section and the amend-  
21 ments made by this section shall apply with respect to fis-  
22 cal year 2002 and each succeeding fiscal year.

23 SEC. 802. (a) Notwithstanding any other provision  
24 of law—

1           (1) subject to subsection (b), the Chief Admin-  
2           istrative Officer of the House of Representatives and  
3           the head of an Executive Agency (as defined in sec-  
4           tion 105 of title 5, United States Code) may enter  
5           into a memorandum of understanding under which  
6           the Agency may provide facilities, equipment, sup-  
7           plies, personnel, and other support services for the  
8           use of the House of Representatives during an emer-  
9           gency situation; and

10          (2) the Chief Administrative Officer and the  
11          head of the Agency may take any action necessary  
12          to carry out the terms of the memorandum of under-  
13          standing.

14          (b) The Chief Administrative Officer of the House of  
15          Representatives may not enter into a memorandum of un-  
16          derstanding described in subsection (a)(1) without the ap-  
17          proval of the Speaker of the House of Representatives.

18          (c) This section shall apply with respect to fiscal year  
19          2002 and each succeeding fiscal year.

## 20                   OTHER LEGISLATIVE BRANCH

### 21                   ADMINISTRATIVE PROVISIONS

22          SEC. 803. (a) Section 1(c) of Public Law 96–152 (40  
23          U.S.C. 206–1) is amended by striking “but not to exceed”  
24          and all that follows and inserting the following: “but not  
25          to exceed \$2,500 less than the lesser of the annual salary

1 for the Sergeant at Arms of the House of Representatives  
2 or the annual salary for the Sergeant at Arms and Door-  
3 keeper of the Senate.”.

4 (b) The Assistant Chief of the Capitol Police shall  
5 receive compensation at a rate determined by the Capitol  
6 Police Board, but not to exceed \$1,000 less than the an-  
7 nual salary for the chief of the United States Capitol Po-  
8 lice.

9 (c) This section and the amendment made by this sec-  
10 tion shall apply with respect to pay periods beginning on  
11 or after the date of the enactment of this Act.

12 SEC. 804. In addition to the authority provided under  
13 section 121 of the Legislative Branch Appropriations Act,  
14 2002, at any time on or after the date of the enactment  
15 of this Act, the Capitol Police Board may accept contribu-  
16 tions of recreational, comfort, and other incidental items  
17 and services to support officers and employees of the  
18 United States Capitol Police while such officers and em-  
19 ployees are on duty in response to emergencies involving  
20 the safety of human life or the protection of property.

21 SEC. 805. (a) Section 9 of the Act of July 31, 1946  
22 (40 U.S.C. 212a) is amended by adding at the end the  
23 following new subsection:

24 “(c)(1) For purposes of this section, ‘the United  
25 States Capitol Buildings and Grounds’ shall include all

1 buildings and grounds of the United States Botanic Gar-  
2 den, including the National Garden and Bartholdi Park.

3 “(2) For purposes of this section, the Joint Com-  
4 mittee on the Library may suspend the application of sec-  
5 tion 4 of this Act to the buildings and grounds described  
6 in paragraph (1) in order to promote the interests of the  
7 United States Botanic Garden.”.

8 (b) The amendment made by subsection (a) shall  
9 apply with respect to fiscal year 2002 and each succeeding  
10 fiscal year.

11 SEC. 806. (a) ASSISTANCE FOR CAPITOL POLICE  
12 FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Not-  
13 withstanding any other provision of law, Executive depart-  
14 ments and Executive agencies may assist the United  
15 States Capitol Police in the same manner and to the same  
16 extent as such departments and agencies assist the United  
17 States Secret Service under section 6 of the Presidential  
18 Protection Assistance Act of 1976 (18 U.S.C. 3056 note),  
19 except as may otherwise be provided in this section.

20 (b) TERMS OF ASSISTANCE.—Assistance under this  
21 section shall be provided—

22 (1) consistent with the authority of the Capitol  
23 Police under sections 9 and 9A of the Act of July  
24 31, 1946 (40 U.S.C. 212a and 212a–2);

25 (2) upon the advance written request of—

1 (A) the Chairman of the Capitol Police  
2 Board; or

3 (B) in the absence of the Chairman of the  
4 Capitol Police Board—

5 (i) the Sergeant at Arms and Door-  
6 keeper of the Senate, in the case of any  
7 matter relating to the Senate; or

8 (ii) the Sergeant at Arms of the  
9 House of Representatives, in the case of  
10 any matter relating to the House; and

11 (3) either—

12 (A) on a temporary and reimbursable  
13 basis; or

14 (B) on a permanent reimbursable basis  
15 upon advance written request of the Chairman  
16 of the Capitol Police Board.

17 (c) REPORTS ON EXPENDITURES FOR ASSIST-  
18 ANCE.—

19 (1) REPORTS.—With respect to any fiscal year  
20 in which an Executive department or Executive  
21 agency provides assistance under this section, the  
22 head of that department or agency shall submit a re-  
23 port not later than 30 days after the end of the fis-  
24 cal year to the Chairman of the Capitol Police  
25 Board.

1           (2) CONTENTS.—The report submitted under  
2       paragraph (1) shall contain a detailed account of all  
3       expenditures made by the Executive department or  
4       Executive agency in providing assistance under this  
5       section during the applicable fiscal year.

6           (3) SUMMARY OF REPORTS.—After receipt of  
7       all reports under paragraph (2) with respect to any  
8       fiscal year, the Chairman of the Capitol Police  
9       Board shall submit a summary of such reports to  
10      the Committees on Appropriations of the Senate and  
11      the House of Representatives.

12      (d) EFFECTIVE DATE.—This section shall apply with  
13      respect to fiscal year 2002 and each succeeding fiscal year.

14      SEC. 807. (a) Notwithstanding any other provision  
15      of law, the United States Capitol Preservation Commis-  
16      sion established under section 801 of the Arizona-Idaho  
17      Conservation Act of 1988 (40 U.S.C. 188a) may transfer  
18      to the Architect of the Capitol amounts in the Capitol  
19      Preservation Fund established under section 803 of such  
20      Act (40 U.S.C. 188a–2) if the amounts are to be used  
21      by the Architect for the planning, engineering, design, or  
22      construction of the Capitol Visitor Center.

23      (b) Any amounts transferred pursuant to subsection  
24      (a) shall remain available for the use of the Architect of  
25      the Capitol until expended.

1       (c) This section shall apply with respect to fiscal year  
2 2002 and each succeeding fiscal year.

3       SEC. 808. (a) Section 1 of Public Law 93–180 (40  
4 U.S.C. 166d) is amended—

5           (1) by striking “secure, through rental, lease, or  
6 other appropriate agreement, storage space” and in-  
7 serting “acquire, through purchase, lease, or other  
8 appropriate arrangement, property or space”;

9           (2) by inserting “the United States Capitol Po-  
10 lice,” after “Representatives,”; and

11          (3) by striking “as such Commission and com-  
12 mittee may authorize” and inserting “as the Archi-  
13 tect deems reasonable and appropriate”.

14       (b) Nothing in the amendment made by subsection  
15 (a) may be construed to affect the authority provided to  
16 the Architect of the Capitol under section 128 of the Leg-  
17 islative Branch Appropriations Act, 2002, to secure the  
18 property described in such section.

19       (c) The amendment made by subsection (a) shall  
20 apply with respect to fiscal year 2002 and each succeeding  
21 fiscal year.

22       SEC. 809. (a) Public Law 107–68 is amended in the  
23 item relating to “ARCHITECT OF THE CAPITOL—  
24 CAPITOL VISITOR CENTER”—

25           (1) by striking “unassigned space in the”;



1 (2) by striking “for House space”; and

2 (3) by striking “for Senate space”.

3 (b) The amendment made by subsection (a) shall take  
4 effect as if included in the enactment of Public Law 107–  
5 68.

6 SEC. 810. (a) In accordance with the authority de-  
7 scribed in section 308(a) of the Legislative Branch Appro-  
8 priations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108  
9 of the Legislative Branch Appropriations Act, 1991 (40  
10 U.S.C. 166b–3b), as amended by section 129(c)(1) of the  
11 Legislative Branch Appropriations Act, 2002, is amended  
12 by adding at the end the following new subsection:

13 “(c) The Architect of the Capitol may fix the rate  
14 of basic pay for not more than 4 positions for Executive  
15 Project Directors whose salary is payable from project  
16 funds, at a rate not to exceed 95 percent of the highest  
17 total rate of pay for the Senior Executive Service under  
18 subchapter VIII of chapter 53 of title 5, United States  
19 Code, for the locality involved.”.

20 (b) The amendment made by subsection (a) shall  
21 apply with respect to pay periods beginning on or after  
22 October 1, 2001.

23 SEC. 811. (a) Public Law 107–68 is amended by add-  
24 ing at the end the following:

1 “This Act may be cited as the ‘Legislative Branch  
2 Appropriations Act, 2002’.”.

3 (b) The amendment made by subsection (a) shall take  
4 effect as if included in the enactment of Public Law 107–  
5 68.

## 6 CHAPTER 9

### 7 DEPARTMENT OF DEFENSE

#### 8 MILITARY CONSTRUCTION

##### 9 MILITARY CONSTRUCTION, ARMY

10 For emergency expenses to respond to the September  
11 11, 2001, terrorist attacks on the United States, for “Mili-  
12 tary Construction, Army”, \$55,700,000, to remain avail-  
13 able until expended: *Provided*, That these funds shall be  
14 obligated from amounts made available in Public Law  
15 107–38.

##### 16 MILITARY CONSTRUCTION, NAVY

17 For emergency expenses to respond to the September  
18 11, 2001, terrorist attacks on the United States, for “Mili-  
19 tary Construction, Navy”, \$2,000,000, to remain available  
20 until expended: *Provided*, That these funds shall be obli-  
21 gated from amounts made available in Public Law 107–  
22 38.

##### 23 MILITARY CONSTRUCTION, AIR FORCE

24 For emergency expenses to respond to the September  
25 11, 2001, terrorist attacks on the United States, for “Mili-

1 tary Construction, Air Force”, \$47,700,000, to remain  
2 available until expended: *Provided*, That these funds shall  
3 be obligated from amounts made available in Public Law  
4 107–38.

5       GENERAL PROVISIONS—THIS CHAPTER

6                   (INCLUDING TRANSFER OF FUNDS)

7       SEC. 901. The Secretary of Defense may transfer to  
8 the “Defense Emergency Response Fund” amounts appro-  
9 priated in Military Construction Appropriations Acts only  
10 if the Secretary makes a determination that amounts in  
11 the Fund are insufficient to carry out needed military con-  
12 struction projects. In exercising the transfer authority pro-  
13 vided by this section, the Secretary of Defense shall first  
14 transfer unobligated balances remaining from fiscal year  
15 2001 and earlier fiscal years before transferring any  
16 amounts appropriated in the Military Construction Appro-  
17 priations Act, 2002. Amounts so transferred shall be avail-  
18 able solely for military construction projects, including ac-  
19 tivities described in section 2802(b) of title 10, United  
20 States Code. At least 10 days prior to each such transfer,  
21 the Secretary of Defense shall notify the appropriate de-  
22 fense committees, shall provide an accompanying form  
23 1391, and shall describe the source of funds from which  
24 the transfer is derived.

## DEPARTMENT OF TRANSPORTATION

## SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$458,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the “Transportation Security Administration”, \$15,000,000, to remain available until September 30, 2002, to be obligated from amounts made available in Public Law 107–

1 38: *Provided*, That obligation of funds under this heading  
2 is subject to enactment of legislation authorizing the es-  
3 tablishment of such office.

4 AIRCRAFT PASSENGER AND BAGGAGE SCREENING  
5 ACTIVITIES

6 For necessary expenses of the Secretary of Transpor-  
7 tation to carry out responsibilities for the screening of pas-  
8 sengers and property on passenger aircraft in air trans-  
9 portation that originates in the United States or intrastate  
10 air transportation that, on September 11, 2001, was per-  
11 formed by an employee or agent of an air carrier, intra-  
12 state air carrier, or foreign air carrier, \$1,000,000,000  
13 (increased by \$250,000,000), to remain available until ex-  
14 pended: *Provided*, That none of the funds under this head-  
15 ing may be obligated or expended until enactment of legis-  
16 lation authorizing: (1) the conduct of such activities,  
17 whether by contract, grant, or direct federal personnel, by  
18 an organization within the Department of Transportation  
19 other than the Federal Aviation Administration; (2) the  
20 collection of passenger and baggage screening user fees  
21 designed to offset the cost of these activities; and (3) the  
22 crediting of the fees as offsetting collections to the account  
23 financing the activities and services for which the fee is  
24 imposed: *Provided further*, That the sum herein appro-  
25 priated shall be reduced, on a dollar for dollar basis, as

1 such offsetting collections are received, so as to result in  
2 a final fiscal year 2002 appropriation of zero.

3 COAST GUARD

4 OPERATING EXPENSES

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for “Op-  
7 erating Expenses,” \$144,913,000, to remain available  
8 until expended, to be obligated from amounts made avail-  
9 able in Public Law 107–38.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 For emergency expenses to respond to the September  
14 11, 2001, terrorist attacks on the United States, for “Op-  
15 erations,” \$291,500,000, to remain available until ex-  
16 pended, to be obligated from amounts made available in  
17 Public Law 107–38.

18 FACILITIES AND EQUIPMENT

19 (AIRPORT AND AIRWAY TRUST FUND)

20 For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for “Fa-  
22 cilities and Equipment”, \$175,000,000, to remain avail-  
23 able until expended, to be obligated from amounts made  
24 available in Public Law 107–38.

## 1       FEDERAL HIGHWAY ADMINISTRATION

## 2                   FEDERAL-AID HIGHWAYS

## 3                   EMERGENCY RELIEF PROGRAM

## 4                   (HIGHWAY TRUST FUND)

5       For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for the  
7 “Emergency Relief Program” as authorized by section  
8 125 of title 23, United States Code, \$75,000,000, to re-  
9 main available until expended, to be included in the total  
10 of amounts made available in Public Law 107–38.

## 11       FEDERAL RAILROAD ADMINISTRATION

## 12                   SAFETY AND OPERATIONS

13       For emergency expenses to respond to the September  
14 11, 2001, terrorist attacks on the United States, for  
15 “Safety and Operations,” \$6,000,000, to remain available  
16 until expended, to be obligated from amounts made avail-  
17 able in Public Law 107–38.

## 18       FEDERAL TRANSIT ADMINISTRATION

## 19                   FORMULA GRANTS

20       For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for “For-  
22 mula Grants,” \$23,500,000, to remain available until ex-  
23 pended, to be obligated from amounts made available in  
24 Public Law 107–38.

1           RESEARCH AND SPECIAL PROGRAMS  
2                           ADMINISTRATION

3                           RESEARCH AND SPECIAL PROGRAMS

4           For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States, for “Re-  
6 search and Special Programs,” \$2,500,000, to remain  
7 available until expended, to be obligated from amounts  
8 made available in Public Law 107–38.

9                           RELATED AGENCY

10          NATIONAL TRANSPORTATION SAFETY BOARD

11                           SALARIES AND EXPENSES

12          For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for “Sal-  
14 aries and Expenses,” \$465,000, to remain available until  
15 expended, to be obligated from amounts made available  
16 in Public Law 107–38.

17                           CHAPTER 11

18                           DEPARTMENT OF THE TREASURY

19                           DEPARTMENTAL OFFICES

20                           TREASURY INSPECTOR GENERAL FOR TAX

21                           ADMINISTRATION

22                           SALARIES AND EXPENSES

23          For emergency expenses to respond to the September  
24 11, 2001, terrorist attacks on the United States, for “Sal-  
25 aries and Expenses”, \$2,032,000, to remain available



1 until expended, to be obligated from amounts made avail-  
2 able by Public Law 107–38.

3 FINANCIAL CRIMES ENFORCEMENT NETWORK

4 SALARIES AND EXPENSES

5 For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States, for “Sal-  
7 aries and Expenses”, \$1,700,000, to remain available  
8 until expended, to be obligated from amounts made avail-  
9 able in Public Law 107–38.

10 FEDERAL LAW ENFORCEMENT TRAINING CENTER

11 SALARIES AND EXPENSES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for “Sal-  
14 aries and Expenses”, \$23,231,000, to remain available  
15 until expended, to be obligated from amounts made avail-  
16 able in Public Law 107–38.

17 ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND

18 RELATED EXPENSES

19 For emergency expenses to respond to the September  
20 11, 2001, terrorist attacks on the United States, for “Ac-  
21 quisition, Construction, Improvements, and Related Ex-  
22 penses”, \$8,500,000, to remain available until expended,  
23 to be obligated from amounts made available in Public  
24 Law 107–38: *Provided*, That, in order to expedite the ac-  
25 quisition of architectural and engineering services for the  
26 construction of facilities at the Cheltenham, Maryland,

1 training facility, the Federal Law Enforcement Training  
2 Center may procure such services without regard to: (1)  
3 the competition requirements of section 303 of the Federal  
4 Property and Administrative Services Act of 1949 (41  
5 U.S.C. 253); (2) the 6 percent fee limitation on such serv-  
6 ices set forth in section 304(b) of such Act (41 U.S.C.  
7 254(b)); and (3) the procurement notice requirements of  
8 section 18 of the Office of Federal Procurement Policy  
9 Act (41 U.S.C. 416).

10 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

11 SALARIES AND EXPENSES

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for “Sal-  
14 aries and Expenses”, \$31,431,000, to remain available  
15 until expended, to be obligated from amounts made avail-  
16 able in Public Law 107–38, of which \$5,200,000 may be  
17 used for necessary expenses of site acquisition, construc-  
18 tion, operations, maintenance and repair of the special  
19 purpose canine training facilities in Front Royal, Virginia.

20 UNITED STATES CUSTOMS SERVICE

21 SALARIES AND EXPENSES

22 For emergency expenses to respond to the September  
23 11, 2001, terrorist attacks on the United States, for “Sal-  
24 aries and Expenses”, to meet requirements, including  
25 technology, along the northern border and at critical sea-

1 ports, \$160,146,000, to remain available until expended,  
2 to be obligated from amounts made available in Public  
3 Law 107–38.

4 In addition, for an additional amount for “Salaries  
5 and Expenses” for response and recovery costs, a commer-  
6 cial backup facility and enhanced security for the  
7 Newington Data Center, and additional staffing and office  
8 expenses for anti-money laundering and foreign oper-  
9 ations, \$141,613,000, to remain available until expended,  
10 to be obligated from amounts made available in Public  
11 Law 107–38.

12 OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND  
13 MARINE INTERDICTION PROGRAMS

14 For emergency expenses to respond to the September  
15 11, 2001, terrorist attacks on the United States, for “Op-  
16 eration, Maintenance and Procurement, Air and Marine  
17 Interdiction Programs”, \$6,700,000, to remain available  
18 until expended, to be obligated from amounts made avail-  
19 able in Public Law 107–38.

20 INTERNAL REVENUE SERVICE  
21 TAX LAW ENFORCEMENT

22 For emergency expenses to respond to the September  
23 11, 2001, terrorist attacks on the United States, for “Tax  
24 Law Enforcement”, \$4,544,000, to remain available until  
25 expended, to be obligated from amounts made available  
26 by Public Law 107–38.

## 1 UNITED STATES SECRET SERVICE

## 2 SALARIES AND EXPENSES

3 For emergency expenses to respond to the September  
4 11, 2001, terrorist attacks on the United States, for “Sal-  
5 aries and Expenses”, \$104,769,000, to remain available  
6 until expended, to be obligated from amounts made avail-  
7 able in Public Law 107–38.

## 8 INDEPENDENT AGENCIES

## 9 GENERAL SERVICES ADMINISTRATION

## 10 REAL PROPERTY ACTIVITIES

## 11 FEDERAL BUILDINGS FUND

12 For emergency expenses to respond to the September  
13 11, 2001, terrorist attacks on the United States, for “Fed-  
14 eral Buildings fund”, \$87,360,000, to remain available  
15 until expended, to be obligated from amounts made avail-  
16 able in Public Law 107–38.

## 17 CHAPTER 12

## 18 DEPARTMENT OF VETERANS AFFAIRS

## 19 DEPARTMENTAL ADMINISTRATION

## 20 GENERAL OPERATING EXPENSES

21 For emergency expenses to respond to the September  
22 11, 2001, terrorist attacks on the United States for “Gen-  
23 eral operating expenses”, \$2,000,000, to remain available  
24 until expended, to be obligated from amounts made avail-  
25 able in Public Law 107–38.

1       DEPARTMENT OF HOUSING AND URBAN  
2                   DEVELOPMENT

3                   MANAGEMENT AND ADMINISTRATION

4                   OFFICE OF INSPECTOR GENERAL

5       For emergency expenses to respond to the September  
6 11, 2001, terrorist attacks on the United States for “Of-  
7 fice of Inspector General”, \$1,000,000, to remain avail-  
8 able until expended, to be obligated from amounts made  
9 available in Public Law 107–38.

10                   INDEPENDENT AGENCIES

11                   ENVIRONMENTAL PROTECTION AGENCY

12                   SCIENCE AND TECHNOLOGY

13       For emergency expenses to respond to the September  
14 11, 2001, terrorist attacks on the United States for  
15 “Science and technology”, \$10,000,000, to remain avail-  
16 able until expended, to be obligated from amounts made  
17 available in Public Law 107–38.

18                   ENVIRONMENTAL PROGRAMS AND MANAGEMENT

19       For emergency expenses to respond to the September  
20 11, 2001, terrorist attacks on the United States for “En-  
21 vironmental programs and management”, \$140,360,000,  
22 to remain available until expended, to be obligated from  
23 amounts made available in Public Law 107–38.

24                   HAZARDOUS SUBSTANCE SUPERFUND

25       For emergency expenses to respond to the September  
26 11, 2001, terrorist attacks on the United States, and to

1 support activities related to countering terrorism, for  
2 “Hazardous substance superfund”, \$5,800,000, to remain  
3 available until expended, to be obligated from amounts  
4 made available in Public Law 107–38.

5 STATE AND TRIBAL ASSISTANCE GRANTS

6 For making grants for emergency expenses to re-  
7 spond to the September 11, 2001, terrorist attacks on the  
8 United States, and to support activities related to coun-  
9 tering potential biological and chemical threats to popu-  
10 lations, for “State and tribal assistance grants”,  
11 \$5,000,000, to remain available until expended, to be obli-  
12 gated from amounts made available in Public Law 107–  
13 38.

14 FEDERAL EMERGENCY MANAGEMENT AGENCY

15 DISASTER RELIEF

16 For emergency expenses to respond to the September  
17 11, 2001, terrorist attacks on the United States, for “Dis-  
18 aster relief”, \$4,345,000,000, to remain available until ex-  
19 pended, to be obligated from amounts made available in  
20 Public Law 107–38.

21 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

22 For emergency expenses to respond to the September  
23 11, 2001, terrorist attacks on the United States, for  
24 “Emergency management planning and assistance”,  
25 \$35,000,000, to remain available until expended, to be ob-  
26 ligated from amounts made available in Public Law 107–

1 38, of which not less than \$10,000,000 shall be available  
2 for support of the 2002 Winter Olympics.

3 SALARIES AND EXPENSES

4 For emergency expenses to respond to the September  
5 11, 2001, terrorist attacks on the United States, for “Sal-  
6 aries and expenses”, \$30,000,000 to remain available until  
7 expended, to be obligated from amounts made available  
8 in Public Law 107–38 of which not less than \$10,000,000  
9 shall be used to enhance the capabilities of the National  
10 Security Division.

11 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

12 HUMAN SPACE FLIGHT

13 For emergency expenses to respond to the September  
14 11, 2001, terrorist attack on the United States, for  
15 “Human space flight”, \$81,000,000, to remain available  
16 until expended, to be obligated from amounts made avail-  
17 able in Public Law 107–38.

18 SCIENCE, AERONAUTICS AND TECHNOLOGY

19 For emergency expenses to respond to the September  
20 11, 2001, terrorist attacks on the United States, for  
21 “Science, aeronautics and technology”, \$36,500,000, to  
22 remain available until expended, to be obligated from  
23 amounts made available in Public Law 107–38.

24 OFFICE OF INSPECTOR GENERAL

25 For emergency expenses to respond to the September  
26 11, 2001, terrorist attacks on the United States, for “Of-

1 fice of Inspector General”, \$3,000,000, to remain avail-  
2 able until expended, to the obligated from amounts made  
3 available in Public Law 107–38.

4 NATIONAL SCIENCE FOUNDATION

5 RESEARCH AND RELATED ACTIVITIES

6 For emergency expenses to respond to the September  
7 11, 2001, terrorist attacks on the United States, for “Re-  
8 search and related activities”, \$300,000 to remain avail-  
9 able until expended, to be obligated from amounts made  
10 available in Public Law 107–38.

11 CHAPTER 13

12 GENERAL PROVISION—THIS DIVISION

13 SEC. 1301. No part of any appropriation contained  
14 in this division shall remain available for obligation beyond  
15 the current fiscal year unless expressly provided so herein.

16 CHAPTER 14

17 ADDITIONAL EMERGENCY RELIEF AND

18 RECOVERY PROVISIONS

19 DEPARTMENT OF HEALTH AND HUMAN

20 SERVICES

21 CENTERS FOR DISEASE CONTROL AND PREVENTION

22 DISEASE CONTROL, RESEARCH, AND TRAINING

23 For emergency expenses to respond to the September  
24 11, 2001, terrorist attacks on the United States, for “Dis-  
25 ease Control, Research, and Training” for baseline safety



1 screening for the emergency services personnel and rescue  
2 and recovery personnel, \$12,000,000, to remain available  
3 until expended, to be obligated from amounts made avail-  
4 able in Public Law 107–38.

5 NATIONAL INSTITUTES OF HEALTH

6 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

7 SCIENCES

8 For emergency expenses to respond to the September  
9 11, 2001, terrorist attacks on the United States, for “Na-  
10 tional Institute of Environmental Health Sciences” for  
11 carrying out activities set forth in section 311(a) of the  
12 Comprehensive Environmental Response, Compensation,  
13 and Liability Act of 1980, \$10,500,000, to remain avail-  
14 able until expended, to be obligated from amounts made  
15 available in Public Law 107–38.

16 DEPARTMENT OF HOUSING AND URBAN

17 DEVELOPMENT

18 COMMUNITY PLANNING AND DEVELOPMENT

19 COMMUNITY DEVELOPMENT FUND

20 For emergency expenses to respond to the September  
21 11, 2001, terrorist attacks on the United States, for  
22 “Community Development Fund”, \$1,825,000,000, to re-  
23 main available until expended, to be obligated from  
24 amounts made available in Public Law 107–38: *Provided*,  
25 That such funds shall be subject to the first through sixth

1 provisos in section 434 of the Departments of Veterans  
2 Affairs and Housing and Urban Development, and Inde-  
3 pendent Agencies Appropriations Act, 2002: *Provided fur-*  
4 *ther*, That, of the amount provided in this paragraph,  
5 \$10,000,000 shall be used for a program to aid the travel  
6 and tourism industry in New York City.

7 DEPARTMENT OF LABOR

8 EMPLOYMENT AND TRAINING ADMINISTRATION

9 TRAINING AND EMPLOYMENT SERVICES

10 For emergency expenses to respond to the September  
11 11, 2001, terrorist attacks on the United States, for  
12 “Training and Employment Services”, \$32,500,000, to re-  
13 main available until expended, to be obligated from  
14 amounts made available in Public Law 107–38: *Provided*,  
15 That such amount shall be provided to the Consortium  
16 for Worker Education, established by the New York City  
17 Central Labor Council and the New York City Partner-  
18 ship, for an Emergency Employment Clearinghouse.

19 STATE UNEMPLOYMENT SECURITY OFFICE

20 WORKERS COMPENSATION PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For emergency expenses to respond to the September  
23 11, 2001, terrorist attacks on the United States, for  
24 “Workers Compensation Programs”, \$175,000,000, to re-  
25 main available until expended, to be obligated from

1 amounts made available in Public Law 107–38: *Provided*,  
2 That, of such amount, \$125,000,000 shall be for payment  
3 to the New York State Workers Compensation Review  
4 Board, for the processing of claims related to the terrorist  
5 attacks: *Provided further*, That, of such amount,  
6 \$25,000,000 shall be for payment to the New York State  
7 Uninsured Employers Fund, for reimbursement of claims  
8 related to the terrorist attacks: *Provided further*, That, of  
9 such amount, \$25,000,000 shall be for payment to the  
10 New York State Uninsured Employers Fund, for reim-  
11 bursement of claims related to the first response emer-  
12 gency services personnel who were injured, were disabled,  
13 or died due to the terrorist attacks.

14 This division may be cited as the “Emergency Sup-  
15 plemental Act, 2002”.

16 DIVISION C—ADDITIONAL GENERAL  
17 PROVISIONS

18 SEC. 2101. None of the funds made available in divi-  
19 sion A of this Act may be used to provide support or other  
20 assistance to the International Criminal Court or to any  
21 criminal investigation or other prosecutorial activity of the  
22 International Criminal Court.

23 SEC. 2102. (a) OCCOQUAN RIVER, VIRGINIA.—The  
24 project for navigation, Occoquan Creek, Virginia, author-  
25 ized by the first section of the Act entitled “An Act mak-

1 ing appropriations for the construction, repair, and preser-  
2 vation of certain public works on rivers and harbors, and  
3 for other purposes”, approved September 19, 1890 (26  
4 Stat. 440), is modified to direct the Secretary of the  
5 Army—

6 (1) to deepen the project to a depth of 9 feet;  
7 and

8 (2) to widen the project between Channel Mark-  
9 er Number 2 and the bridge at United States Route  
10 1 to a width of 200 feet.

11 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
12 priated to carry out the project referred to in subsection  
13 (a) by the Energy and Water Development Appropriations  
14 Act, 2001 (as enacted into law by Public Law 106–377),  
15 shall be made available to carry out the modifications to  
16 the project under subsection (a).

17 (c) PROJECT REDESIGNATION.—

18 (1) IN GENERAL.—The project referred to in  
19 subsection (a) shall be known and designated as the  
20 “project for navigation, Occoquan River, Virginia”.

21 (2) REFERENCES.—Any reference in a law,  
22 map, regulation, document, paper, or other record of  
23 the United States to the project referred to in sub-

1       section (a) shall be deemed to be a reference to the  
2       “project for navigation, Occoquan River, Virginia”.  
      Passed the House of Representatives November 28,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*